



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, October 23, 2012, 6:00 p.m.

City Council Chambers
630 E. Hopkins Street

*Bill Taylor, Chair
Curtis Seebeck, Vice-Chair
Randy Bryan, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner
Kenneth Ehlers, Commissioner
Carter Morris, Commissioner
Bucky Couch, Commissioner
Corey Carothers, Commissioner*

AGENDA

- 1. Call to Order.**
- 2. Roll Call.**
- 3. Chairperson's Opening Remarks.**
- 4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*
- 5. 30 Minute Citizen Comment Period.**

CONSENT AGENDA:

- 6. Consider the approval of the minutes from the Regular Meeting on October 9, 2012.**

PUBLIC HEARINGS:

- 7. CUP-12-37 (Concho Commons)** Hold a public hearing and consider a request by Casey Development, on behalf of W.C. Carson – Carson Diversified Properties LP, for a SmartCode Warrant to allow additional height beyond the 5-story limit for a proposed 13-story building in a SmartCode-T5 Zoning District at 101 Concho Street.
- 8. CUP-12-38 (Gumby's Pizza & Wings)** Hold a public hearing and consider a request by John Higdon, on behalf of Gumby's Pizza & Wings, for the renewal of the existing Conditional Use Permit to allow the continued sale of beer and wine for on-premise consumption at 403-A N. Guadalupe Street.

9. **CUP-12-39 (Garcia's Mexican Food Restaurant)** Hold a public hearing and consider a request by Juan Ybarra, on behalf of Garcia's Mexican Food Restaurant, for the renewal of the existing Conditional Use Permit to allow the continued sale of beer and wine for on-premise consumption at 1917 Dutton Drive.
10. **PDD-09-01(a) (Retreat on Willow Creek)** Hold a public hearing and discuss amendments to the existing Planned Development District for the Retreat on Willow Creek, consisting of 101.4 acres of land, more or less, out of the J.M. Veramendi Survey No. 1, Abstract No. 17, as originally approved by Ordinance No. 2009-81.
11. Discussion regarding the Restricted Conditional Use Permit for the Vault at 100 W. Hopkins Street.

NON CONSENT:

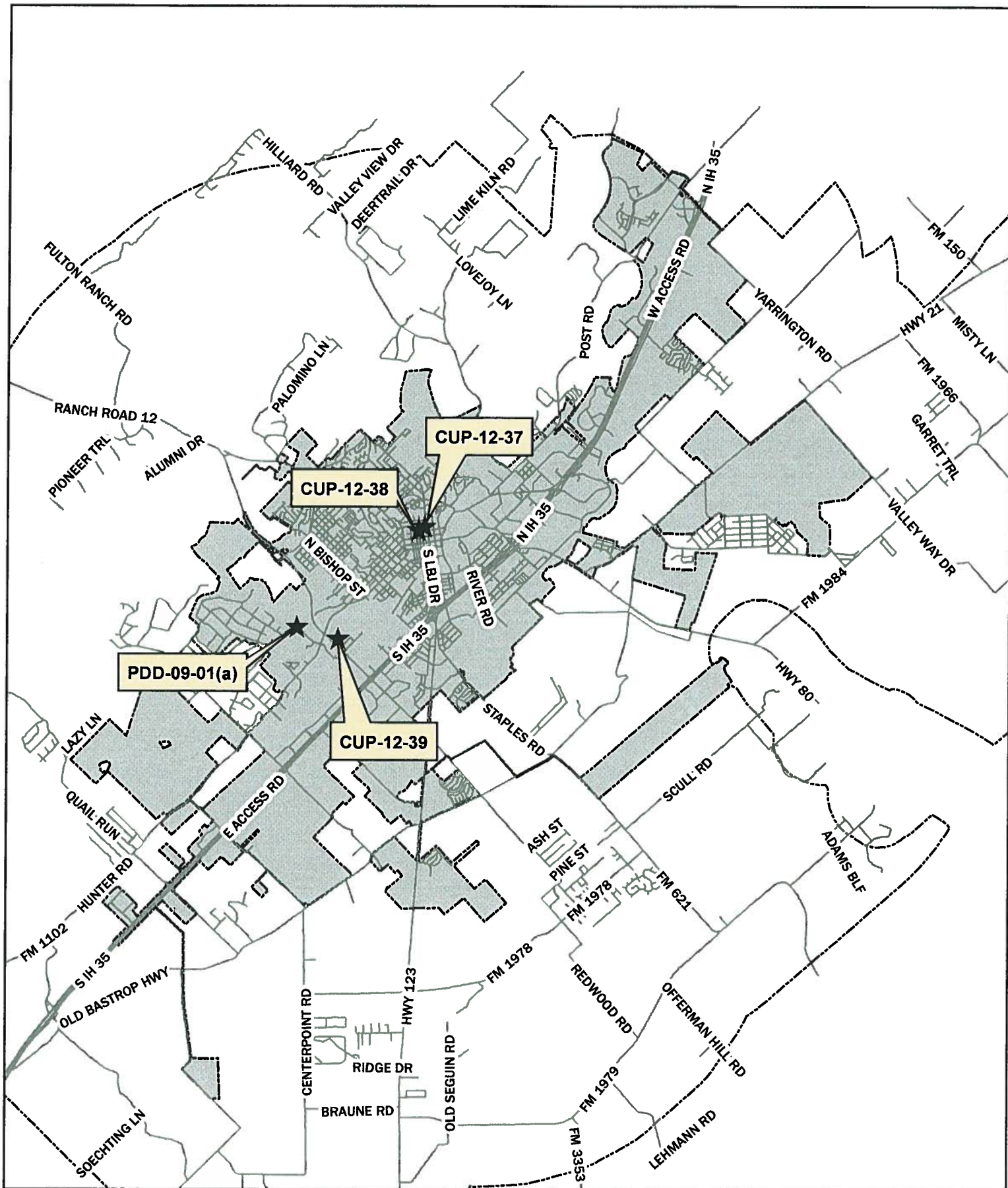
12. Development Services Report

- a) Update from staff on the Comprehensive Plan

13. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

14. Adjourn.

Notice of Assistance at the Public Meetings: The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.



**Planning and Zoning
Commission Meeting
October 23, 2012
Location Map**

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**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
October 9, 2012**

1. Present

Commissioners:

Curtis Seebeck, Vice Chair
Chris Wood
Corey Carothers
Carter Morris
Travis Kelsey
Kenneth Ehlers

City Staff:

Matthew Lewis, Development Services Director
Kristy Stark, Development Services
Roxanne Nemcik, Assistant City Attorney
Francis Serna, Recording Secretary
Alison Brake, Planner
Emily Koller, Planning Tech

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday October 9, 2012, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Vice Chair Seebeck welcomed the audience and viewers.

4. NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

5. 30 Minute Citizen Comment Period

Jay Hiebert, 209 W. Sierra Circle said he was astounded that the discussion regarding Cape's Camp was happening. Mr. Hiebert compared the approximate inhabitants in San Marcos and New Braunfels. He pointed out that New Braunfels has Landa Park approximately 196 acres of riverfront parkland and San Marcos has 76 acres of riverfront parkland. San Marcos has more inhabitants per acre than New Braunfels. Mr. Hiebert commented that if the city adds the 70 acres of Cape's Camp in Proposition 1, the inhabitant number will drop. He asked the Commission to vote against the PDD and the apartment complex.

Melissa Derrick, 109 Kathryn Cove, said we all see that there is not enough park space in San Marcos for the citizens and visitors of San Marcos. She pointed out that she was wearing an original recycled t-shirt made of river tubes. Ms. Derrick added that people care about the river and are recycling. She said they need single families to stay and not move out and become a bedroom community. They need single family to stay and not move out and become a bedroom community. Ms. Derrick added that putting an apartment complex on Cape's Camp will block the river and flood the neighborhoods. She felt that it will not enhance the quality of life or the ability to attract new citizens to the community. She asked the Commission to please vote no on the PDD.

Derrick Lee, 209 S. Comanche, stated that he is support of Proposition 1. He explained that should a development be built, we have to think of people's safety due to flash flooding. Mr. Lee expressed his concerns regarding overflow of detention ponds located at the lower elevations of the property. Mr. Lee also questioned how the river would be restricted. He felt that an apartment complex would have people at the river at all hours. He told the Commission to vote against Cape's Camp.

Angie Ramirez signed up to speak, although requested to speak during the public hearing.

Lisa Prewitt, 619 Maury spoke regarding three items related to Capes Camp. She said she wanted to speak on the process, although Commission Seebeck addressed her concern. Secondly, she said that they have been working diligently on the new Master Plan for San Marcos. She explained that the land use map is almost complete. Ms. Prewitt added that nowhere on the map are there apartments on Cape's Camp. She explained that they have allocated plenty of property for apartment complexes. Ms. Prewitt mentioned a book by Dudley R. Dobe, written in 1948, and read a few lines about Aquarena Springs. She said if San Marcos can find a way to purchase the property, it will be an amazing addition to San Marcos.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on September 25, 2012.

7. PC-12 25(03) (Blanco Vista Phase 3, Section 4) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 1.99 acres more or less, out of the William Ward League Survey No. 3, Abstract No. 467, for 14 lots located at Jacob Lane and Trail Ridge Pass.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Morris, the Commission voted all in favor to approve the consent agenda. The motion carried unanimously.

Public Hearings:

8. CUP-12-36 (Eta Tau Chapter of Sigma Nu Fraternity) Hold a public hearing and consider a request by the Eta Tau Chapter of Sigma Nu Fraternity for the renewal of a Conditional Use Permit. The proposed renewal would allow the continued use of a fraternity at 2108 N IH-35.

Vice Chair Seebeck opened the public hearing. Hudson Dickens, 2108 N. IH 35, stated he was present for the renewal of the CUP. He explained that they have done a lot of good in the community. He added that an Alumnus has donated the stadium for the school. Mr. Dickens added they work with different charities. He asked the Commission to allow the renewal of their CUP. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Kelsey, the Commission voted all in favor to approve CUP-12-36 with the condition that the CUP be valid for a five year (5) year time period subject to the point system. The motion carried unanimously.

9. PDD-12-02 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and discuss a PDD overlay district, with a base zoning of Multifamily-12 (MF-12) for approximately 45 acres located on the east side of IH-35, south of River Road, west of Cape Road and north of the San Marcos River.

10. ZC-12-05 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and discuss a Zoning Change from Future Development (FD) to Multiple-Family Residential (MF-12) for approximately 22.51 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located along River Road.

11. ZC-12-06 (The Woodlands of San Marcos –Capes Camp) Hold a public hearing and discuss a Zoning Change from Community Commercial (CC) to Multiple-Family Residential (MF-12) for approximately 0.651 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located along the frontage road of IH-35.

12. ZC-12-11 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and discuss a Zoning Change from Future Development (FD) to Multiple-Family Residential (MF-12) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.

13. LUA-12-04 (The Woodlands of San Marcos – Capes Camp) Hold a public hearing and discuss a Land Use Amendment from Commercial (C) to Medium Density Residential (MDR) for approximately 4.2 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at River Road and the frontage road of IH-35.

14. LUA-12-06 (The Woodland of San Marcos – Capes Camp) Hold a public hearing and discuss a Land Use Amendment from Very Low Density Residential (VLDR) to Medium Density Residential (MDR) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.

Chair Taylor opened the public hearing.

Jim Garber, 104 Canyon Fork, pointed out that the Comprehensive Plan is the primary document any city plans its growth and development. He explained that hundreds of citizens have answered the call to become engaged to develop a plan to develop the city's future and growth. Mr. Garber stated that the theme and the land use map are not going to change. He pointed out that the themes are protection of the river, protection of our neighborhoods, more parkland and identify the high density growth areas. Mr. Garber said that this request is inconsistent with the plan. He pointed out that the area is not identified for high density development. In addition he stated that the property is the last jewel on the river. Mr. Garber said that we need the land to fulfill the San Marcos vision. He mentioned that the name of the plan is "A River Runs Through Us." Mr. Garber spoke in opposition of the request. He pointed out that the request is inconsistent with the old plan and is not consistent with the new plan.

Diane Wassenich explained that fifty years ago a neighborhood was moved east of town because the properties along the river flooded and millions of dollars were spent to buy the land and make it into parkland. She pointed out that there is no trail under IH-35. Ms. Wassenich mentioned that we have a chance to purchase the land and that citizens are going to support it. She stated that the master plan indicates plenty of places for apartments. She said the last piece of property on the river is critical to be used for parks. Ms. Wassenich provided the Commission with a map indicating that the Stokes Park is the only park located east of town. She asked the Commission to compare how much property is located in the floodway and floodplain of the property was taken from citizens. She expressed her concerns and stated that apartments should not be built next to the floodway and floodplain. She commented that San Marcos can have worse floods than in '98 and that the detention ponds will also flood.

Douglas Beckett, 714 Barbara Drive, said he has lived on Barbara drive for 17 1/2 years and was present for the 3 floods between 1998 and 2003. He said he believes that any sort of structure on the Capes Camp would be like constructing a levy or dam for the escape of floodwaters from the Blanco River. He pointed out that it is the Blanco River that floods. Mr. Beckett felt that it would be negligent to place any type of barrier between the exits of the floodwaters of the Blanco towards San Marcos. The construction will call for the raising of a berm at the Cape's Camp area. He added the force of the water traveling downstream will be blocked by the fence or grading being proposed along the apartments. Mr. Beckett said if anything is built on the property it will have the same effect. He asked the Commission to please not turn their neighborhoods into the Fifth Ward of New Orleans after Katrina.

Angie Ramirez, 612 Barbara Drive, acknowledged neighbors present from her neighborhood as well as south of IH35. She said that the citizens all agree that they love Cape's Camp. She said the thing that citizens don't agree that it is free land. Ms. Ramirez stated she is frustrated with the term free because this is a negotiation and tradeoff. She asked the Commission to pay close attention to the information that they are going to hear in which how their neighborhood floods from the Blanco River. Ms. Ramirez said that we all know how the patterns are and we don't have confidence that whatever may be developed will be built with the correct models in mind. She explained that when they met with Mr. Mulkey at Cape's Camp and she brought up the impending threat that would come from their neighborhood regarding student rentals. She pointed out that she is on the Master Plan committee. She asked the Commission not to tell her as others have said that this is a waste of time. She explained that the Committee has identified suitable places within

one mile of Cape's Camp. Ms. Ramirez said they understand that 30,000 people are coming to San Marcos and we will accommodate them. She asked the Commission to let the Committees keep working on the Master Plan.

Gina Flemming, 1013 Dartmouth, said that there has already been so much discussion and input from citizens. She said she never once interpreted any statements that indicated they wanted the developer to offer parkland. Ms. Flemming felt that parkland behind an apartment complex is an amenity for the apartment complex. She mentioned that she has been a monitor at Ringtail Ridge and feels that an unmonitored use of parkland or green space is a security risk. Ms. Flemming stated that if the property is rezoned it will drive the market value up. She said she thought that there was a consensus with the community and the City Council and is now confused about the intent of the property. She asked the Commission to take their concerns seriously.

Bridget Phillips, 529 Harvey Street, commented that when developing around the river we need to slow down. She said research and facts should be gathered prior to making a decision. Ms. Phillips stated that once the eco system is destroyed and cost a lot of money to repair or beyond repair. She added that there is a Proposition on the November 6 ballot and doesn't understand why we are here. She pointed out that there is no Parks recommendation. Ms. Phillips said we should slow down. She explained that the river is already congested and if we turn the property into an apartment complex where will the people come to visit in San Marcos.

Nancy Moore, 15 Tangelwood, said she is always amazed what city planning can put together. She asked if the City can put a map together and show what a park would look like on the property. She asked that the citizens have a five minute presentation about what a park would look like. They want a park that their children and grandchildren will appreciate and thank them. Ms. Moore said their children will not thank them if an apartment complex with 1000 beds is built on the river. She asked staff if a city plan can be developed. Ms. Moore said they would create a committee and see what a park will look like if developed on the property. She felt that the property could be a heritage site where all children can be proud.

Hudson Diggins, 2108 N. IH 35, stated that there are currently plenty of places along the river that look pretty bad because of college drinking. He said placing one thousand college kids on the property is a bad idea. Mr. Diggins explained that he is from a small town and once you give it away you don't get it back. He indicated as a college student, they have plenty of places to drink. He added that the property should be used as a place that families should enjoy.

Paul Murray, 102 Barkley, said that this request is a special case because there is a Referendum coming up. He asked the Commission to table the discussion or decision on the request until after the election on November 6th. He felt that at that time, the Commission will not have to guess what the citizens of San Marcos want. Mr. Murray explained that when he saw the PDD, there were a lot of uncertainties about the parking for the park. He said he understand that the parking is requested on Stokes Park which is on State's property. Mr. Murray expressed concerns regarding taking Stokes Park for parking when we already have Stokes Park.

David Wendell, 118 E Holland, said he has been in San Marcos since 1972 and knows this is a 100 year flood plain. He said to put a structure with one thousand people is asking a lot. He pointed out that he has experienced floods and that flooding is a great concern. He added that there should be more forethought in the decision. Mr. Wendell said parkland is a long term goal for the city and putting an apartment complex on the property is a short term goal. He felt that we should go for the long term goal for San Marcos.

Samantha Armbruster, 424 Settlers, said she researched what Dovetail had to offer regarding student housing. She pointed out that the student housing looks a lot like The Retreat. Ms. Armbruster gave an example of the pool at the Retreat being shared by the community and would not be a good situation as would the river being shared by the community and the apartment complex.

Patrick Montgomery, Valley Street, said after listening to the presentation and all zoning changes required it is clear that the developer has to figure out how to maximize his profit margin plus maintain the integrity of the green space and the river. He pointed out that there is a very strong opposition from the citizens of San Marcos to allow such a large development near a very large sensitive area. Mr. Montgomery added that with

so much multifamily development, it is difficult to help people find affordable housing. He said that multifamily development inflates the rental market for students. He asked the Commission to listen to all comments and concerns.

Amelia Cruz lives on Durango Street, Wallace Addition also known as Barrio Del Pescado, neighborhood of the fish because they live close to the fish hatchery. She said that their concern is the traffic. She explained that when Thompson Island was open the traffic would go back and forth through the neighborhood to get to Staples Road. Ms. Cruz pointed out that she used to be concerned for the children's safety but now a majority of the neighborhood are senior citizens and use the streets to walk. She explained that there is a lot of traffic all hours of the day and night. Ms. Cruz said she is very concerned and people have also shown their concerns about the increase of traffic that will develop. She asked the Commission to highly consider their concerns.

Phong (last name unknown), 112 Smith Lane explained that he purchased a two acre tract on 112 Smith Lane 5 years ago. He explained that he decided not to rezone his property because people do not respect nature. He said he is in the US Navy and has traveled all over the world. He mentioned that he has experienced the Tsunami and Katrina flooding. He pointed out that he has learned that people do not respect nature. He said that we don't study the project enough and move too fast. He asked the Commission consider the citizens concerns and nature of the property.

Camille Phillips said she is a neighbor of the Retreat. She mentioned the traffic problems on RR 12 and pointed out that there have been several accidents. Ms. Phillips stated that the developers were going to help pay for the traffic light and now the city is going to pay for it. She said the night of September 22 of the Tech game there were a lot of problems with traffic, trash and someone yelling vulgarities. Ms. Phillips added that the security person at The Retreat called the police. She stated that the same issues could happen at Cape's Camp. She asked the Commission to please deny or postpone the request until the results of referendum.

Ida Miller, 811 W. Hopkins, said she would like to repeat what someone said about the traffic. She pointed out that the intersection of Hwy 80 and IH35 is painstaking to get through the intersection. Ms. Miller stated that the traffic issues need to be addressed with the additional students driving to school. Ms. Miller said the area is in the flood zone and we don't know what a high density development is going to do to the river. She added that if in 10 years the city purchases the property and people want to develop the property she felt it would be best suitable for senior citizen development. Ms. Miller explained that Riverside in Austin was developed for student population in the 70's and over the course of years it has become a high crime area. She said we should really consider what we do in San Marcos and take it seriously.

There were not additional citizen comments and the public hearing was closed.

Non Consent Agenda:

15. Development Services Report

- a. Update from staff on Comprehensive Plan

Matthew Lewis invited and encouraged the Commission and public to the next Comp Plan Meeting to be held on Wednesday, October 17th at the Activity Center at 5:30. He announced that the Development Services Department received a State American Planning Award for Dream San Marcos and thanked the Commissioners for attending the APA Conference to receive the award.

16. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

There were no questions from the press and public.

17. Adjourn.

Vice Chair Seebeck adjourned the Planning and Zoning Commission at 7:30 p.m. on Tuesday, October 9, 2012.

Curtis Seebeck, Vice Chair

Travis Kelsey, Commissioner

Corey Carothers, Commissioner

Kenneth Ehlers, Commissioner

Carter Morris, Commissioner

Chris Wood, Commissioner

ATTEST:

Francis Serna, Recording Secretary

DRAFT

1011 ACADEMY ST

SWT001

N-EDWARD GARY ST

W WOODS ST

E WOODS ST

R36004

R128916

SWT100

N LBJ DR

CONCHO ST

R46200

R46201

N-FREDERICKSBURG-ST

N GUADALUPE ST

R101562
101 CONCHO ST

R60593

R60592

R60594

R46197

R46199

UNIVERSITY DR

PAT GARRISON ST

R27242

R41657

R41656

R41658

R41642

R41644

R41641

R41652

GOV012

E HUTCHISON ST

R41473

R41476

R41469

HUTCHISON ST

CUP-12-37

Concho Commons

Map Date: 10/12/12

 Notification Buffer
(200 feet)

 Site Location

 Historic District

This map was created by Development Services
for reference purposes only. No warranty is made
concerning the map's accuracy or completeness.

0 70 140 280
Feet



CUP-12-37 SmartCode Warrant Concho Street Commons 101 Concho



Summary:

Applicant: Darren Casey – Casey Development
814 Arion Parkway, Suite 200
San Antonio, TX 78216

Property Owner: Carson Diversified Properties LP
1911 Corporate Drive, Suite 102
San Marcos, TX 78666

Applicant Request: *Request for a SmartCode Warrant to seek a deviation from Table 5.2 Building Configuration to allow additional height beyond the 5-story limit for a proposed 13-story building in a SmartCode-T5 Zoning District*

Notification: Public hearing notification mailed on October 12, 2012.

Response: None as of October 17, 2012

Property Area/Profile:

Location: 101 Concho Street

Legal Description: Lot 1, Carson Addition

Frontage On: Concho Street, N. LBJ Drive, N. Guadalupe Street

Neighborhood: NA

Existing Zoning: T5

Future Land Use Map: NA

Sector: 8

Existing Utilities: Adequate

Existing Use of Property: Vacant

Zoning and Land Use Pattern:

| | Current Zoning | Existing Land Use |
|----------------------|-----------------------|-------------------------------------|
| N of Property | CS | University |
| S of Property | T5 | Retail |
| E of Property | P | University |
| W of Property | P/T5 | University and Retail/Commercial |

Code Requirements:

Within the SmartCode district, the warrant process is equivalent to the CUP process. A warrant is a ruling that would permit a practice that is not consistent with a specific provision of the SmartCode, but is justified by the provisions of Section 1.3 Intent.

Height is regulated in the base SmartCode within the Building Configuration section (Table 5.2). Five stories are permitted by right in a T5 district and additional height may be considered by Warrant. The height request must first be determined to meet the Intent of the SmartCode. Staff is also reviewing the

request using the new Architectural Standards including Article 6: Building Design and the Downtown Design Guidelines. While not formally adopted, the Architectural Standards and Downtown Design Guidelines have been thoroughly vetted by the public and were recommended for approval by both the Historic Preservation Commission and the Planning and Zoning Commission in September 2012. They were created as a tool to assist staff and commissions in project reviews and Warrant requests such as this.

Comments from Other Departments:

None

Background:

Concho Street Commons is a proposed 13-story apartment-style residential community for students on the northern edge of downtown between N. Guadalupe and N. LBJ on Concho Street. The front façade faces north towards the university along Concho Street and the rear façade faces downtown. Parking is above ground and wrapped with housing on three sides. There are 310 proposed units (583 beds) and 588 parking spaces. The proposal also includes 17,000 square feet of retail and 8,000 square feet for amenity space. The base dimensions are approximately 178' x 330' and the building as designed is approximately 128' measured at the floor line on North LBJ. The project qualifies for the TOD parking reduction of 30%.

The site is located in SmartCode-T5 Urban Center and is within the University Edge Design Context of the Downtown Design Guidelines (recommended for approval by P&Z on September 25, 2012). A PDD overlay was approved for the site in 2008 (Ordinance No. 2008-040).

Planning Department Analysis:

1. Base SmartCode

The request for additional height of Concho Street Commons does meet the intent of the SmartCode as defined in Section 1.3 Intent. As a large mixed-use residential project in the transition area between campus and downtown, it would help to meet the housing demand created by the University in a way that offers an opportunity to live a car-free lifestyle. The project satisfies many of the Intent criteria as listed below and is characteristic of compact, pedestrian-oriented mixed use development that the SmartCode encourages.

Section 1.3 Intent

1.3.2 Region

B. That growth strategies should encourage Infill and redevelopment in parity with New Communities.

1.3.3. The Community

- a. That neighborhoods and Regional Centers should be compact, pedestrian-oriented and Mixed Use.
- b. That neighborhoods and Regional Centers should be the preferred pattern of development and that districts specializing in a single use should be the exception.
- c. That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.

University Edge Design Context

- f. That appropriate building Densities and land uses should be provided within walking distance of transit stops.

1.3.4. The Block and The Building

- a. That buildings and landscaping should contribute to the physical definition of Thoroughfares as Civic places.

- b. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
- h. That the harmonious and orderly evolution of urban areas should be secured through form-based codes.

1.3.5. The Transect

- a. That Communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.

II. New SmartCode Draft

The project meets most of the requirements of the new Article 6: Building Design. It is categorized as "Condition A" in that it is more than 60' in length and greater than two stories high.

6.3.2(a) Horizontal Expression Requirements – Minimum of two required

Under Condition A, the project must use a minimum of two horizontal expression tools and at least one vertical expression tool. The current design utilizes a second floor expression line and a cornice at the height of four stories, as well as ground floor canopies.

- Canopies used on three facades (they should extend across all four facades)
- Second floor expression line used with change in material
- Cornice (4 stories high) used on all facades

6.3.2(b) Vertical Expression Requirements – Minimum of one required

The current design contains both wall notches and a wall offset to meet the requirement of one vertical expression tool requirement.

- Wall notch used
- Wall offset used

6.4 Upper Floor Window Design – Minimum of one required

Article 6 calls for special treatment for upper floor window design. The applicant has not specified that they have selected one of the treatments, but do note that the ground floor windows will be 100% transparent.

- No upper floor window design noted
- Ground level windows all 100% transparent

6.5 Varied Upper Floor Massing - Required

Any project that is over three stories with a frontage of 60' or more is required to utilize the upper floor massing requirement. Most buildings in downtown San Marcos are typically three stories or less with a range of building heights occurring across a single block face. The varied upper floor massing requirement is intended to ensure that new, taller structures do not dominate the street front. Taller buildings should provide variety in building height as perceived from the street and to maintain a sense of pedestrian scale at the sidewalk.

- No variation in upper floor massing provided

Staff is concerned that there is no variation provided. The scale of this project is so much larger than what is in the immediate vicinity and much larger than the typical building pattern in downtown. The applicant has stated that due to the size of the building, "once over seven floors, the eye will not perceive any setbacks in the height of the building" and offer that the exterior wall for pool deck is varied "close to 40%".

III. Downtown Design Guidelines

In general, the Guidelines recommend that a new building:

- Establish a sense of human scale in building design
- Minimize the impacts to primary views from the public right of way to the University and Courthouse Square.
- Provide variation in building height in a large project
- Position taller portions away from neighboring structures or a Sensitive Site

The applicant has demonstrated there will be pedestrian-scale details at the street level, but has not thoroughly addressed the impact of such a tall building in the larger landscape of downtown. The building design as submitted does not demonstrate a sense of human scale, that key views will be minimized and that the necessary variation has been provided. Incorporating the upper floor massing requirement would help in establishing the sense of human scale and providing the necessary variation.

The Downtown Design Guidelines offer specific guidance for height requests with criteria to aid in review. Height is addressed within the Design Context Strategy for the University Edge and is also noted as one of the actual Design Guidelines. This project is within the University Edge Context, which is stated below:

The University Edge context should create a safe, pedestrian-friendly transition between campus and downtown. New campus development in this context should be compatible in scale and respectful of downtown design traditions. In addition, there are key public views up to campus and down to Courthouse Square. New development should preserve and enhance these views.

Overall, staff feels additional height is appropriate in this location but has concerns about the compatibility and scale of this project. Staff provides this request to the Commission for your consideration and recommends approval of the SmartCode Warrant for additional height with the following condition:

- **The final building design meets the standards set forth in the draft SmartCode Architectural Standards (Article 6 and 7) and the Downtown Design Guidelines as attached.**

| Planning Department Recommendation: | |
|-------------------------------------|---|
| | Approve as submitted |
| X | Approve with conditions or revisions as noted |
| | Alternative |
| | Denial |

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment on this application. After considering the public input, the Commission is charged with making a decision to approve, approve with conditions, or deny the Conditional Use Permit. The applicant or any interested person may appeal the decision to City Council within 10 working days.

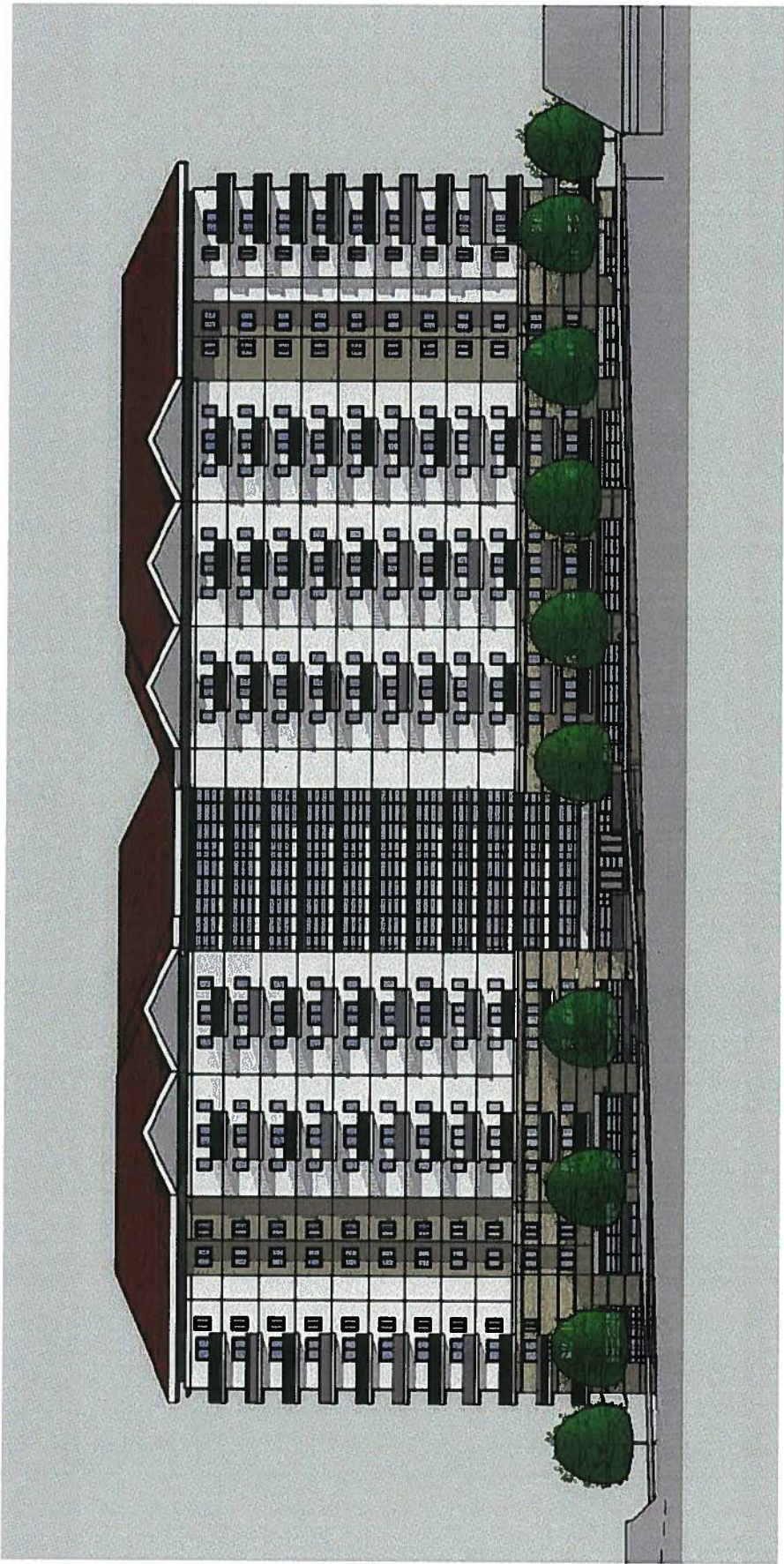
The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;

- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

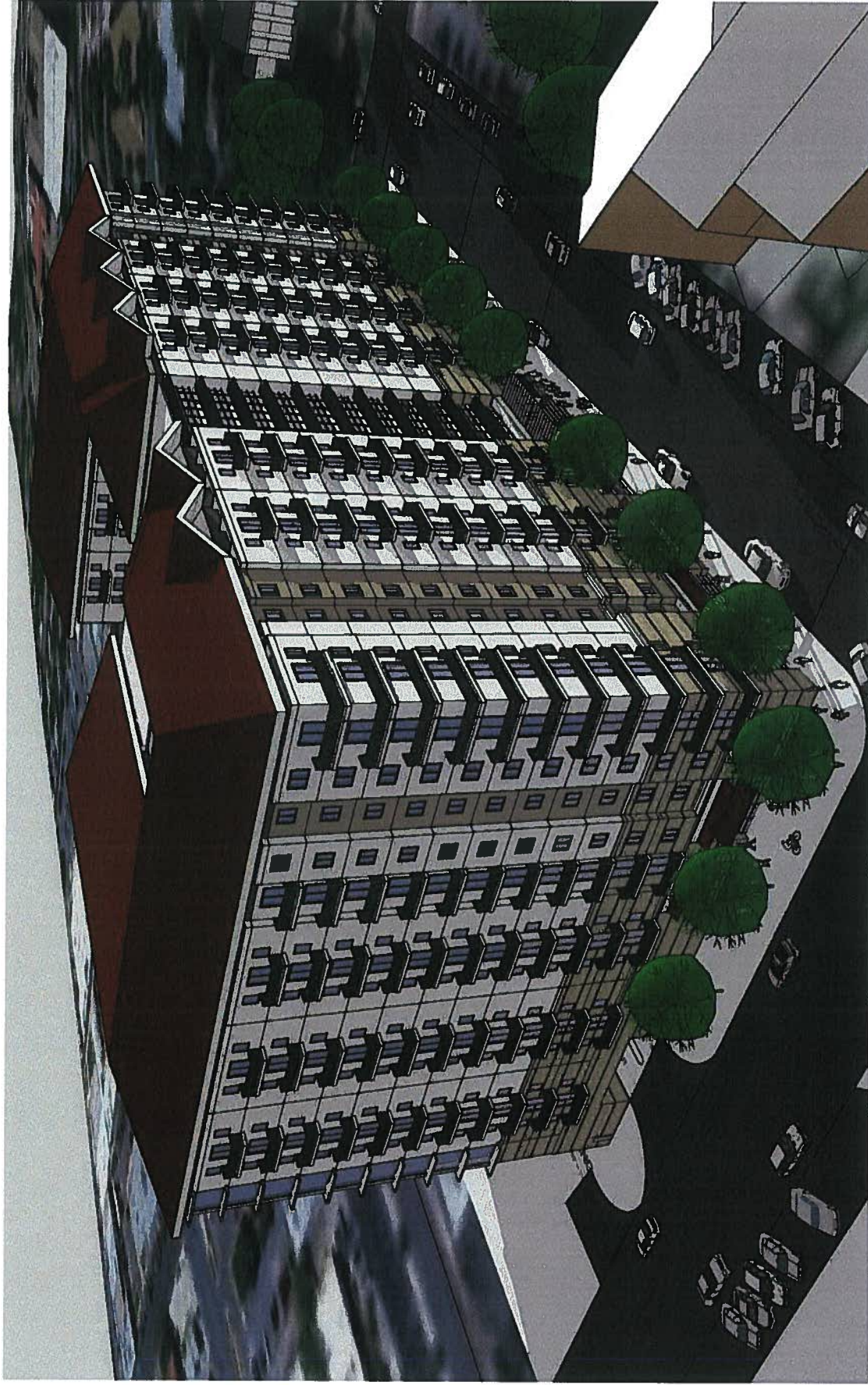
| | | |
|--------------|--------------|------------------|
| Emily Koller | Planner | October 17, 2012 |
| Name | Title | Date |



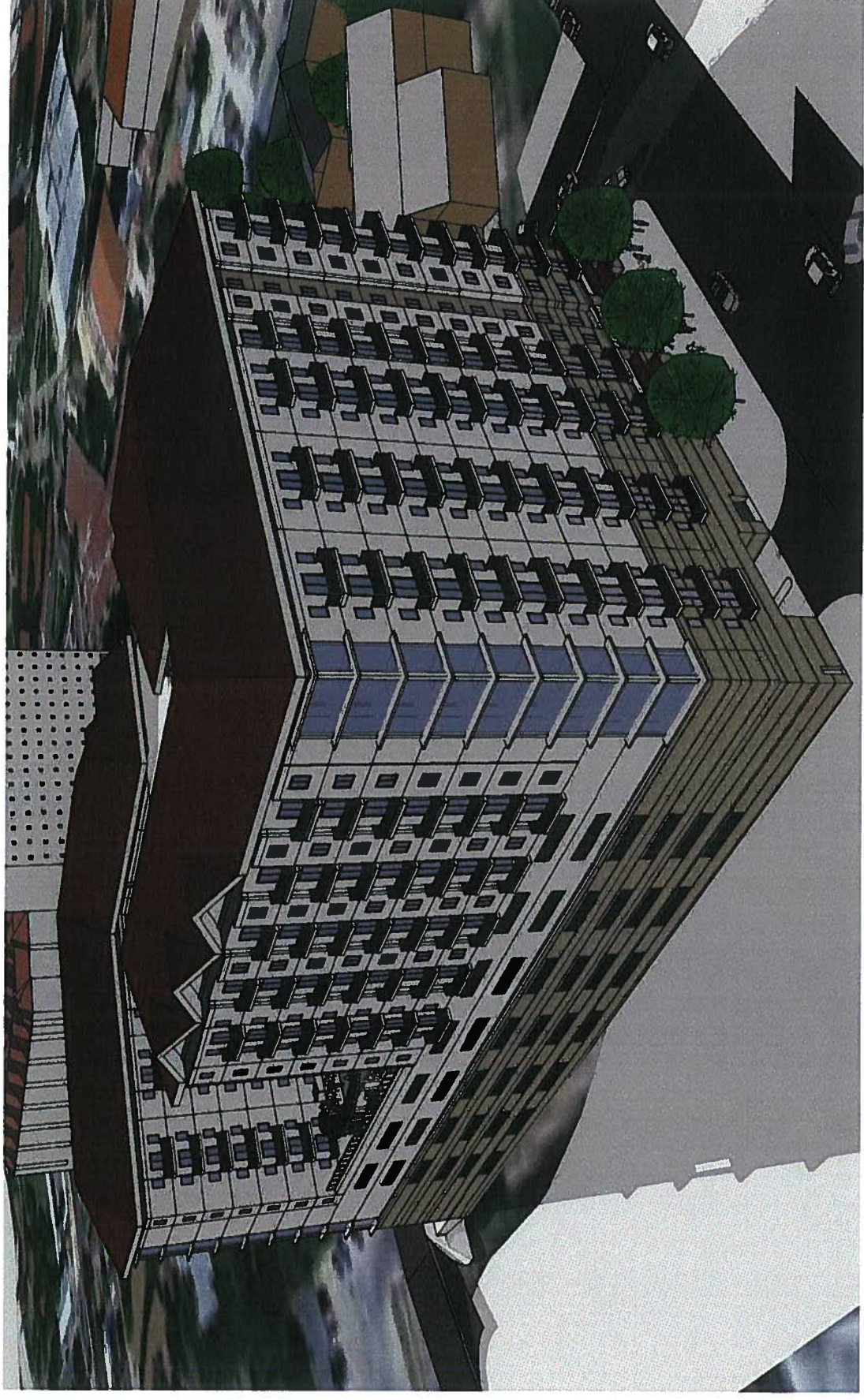
Concho Street Elevation
CONCHO STREET HOUSING—San Marcos, Texas



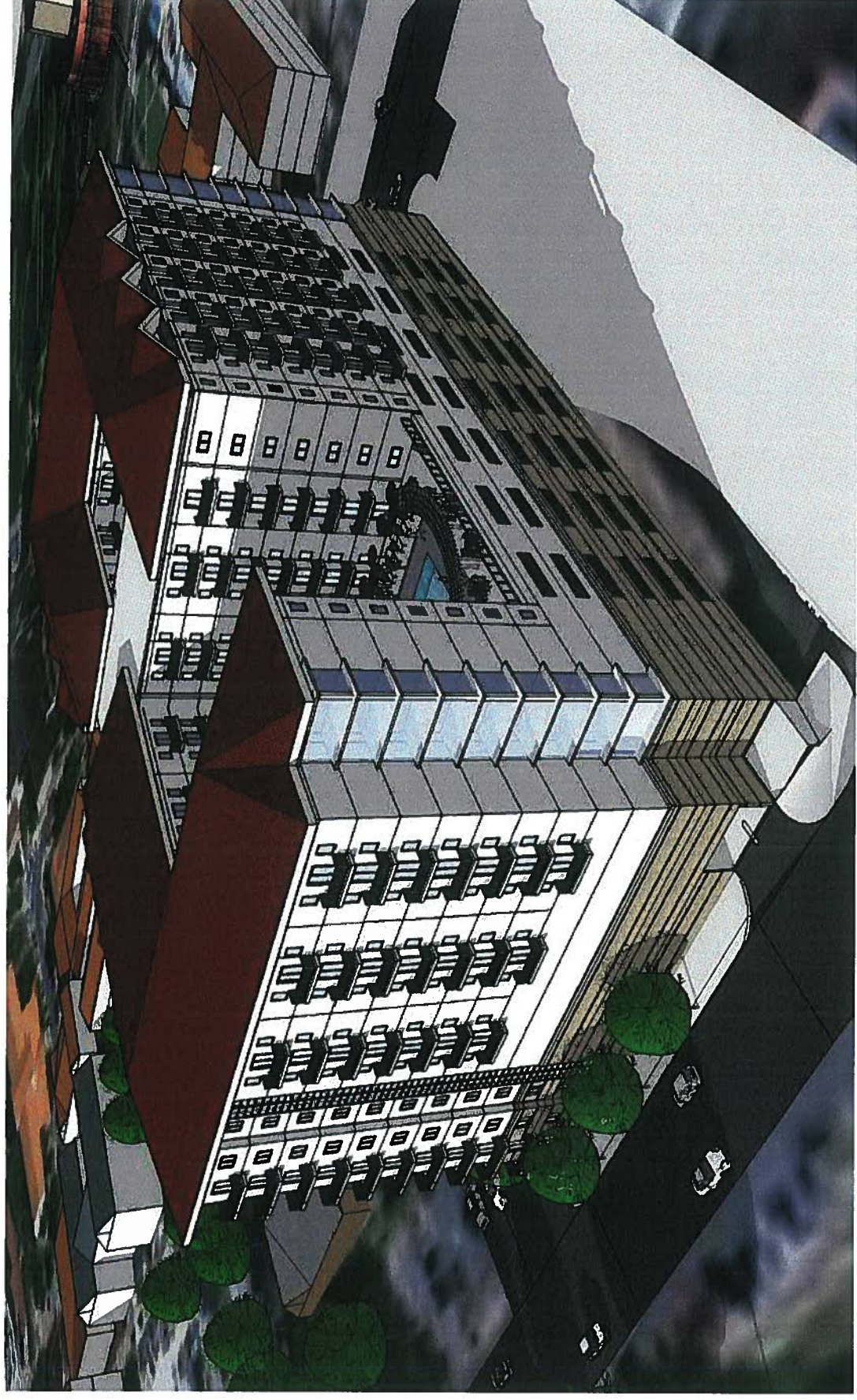
Birdseye looking SE – Concho/LBJ
CONCHO STREET HOUSING—San Marcos, Texas



Birdseye looking SE – Concho Street Elevation
CONCHO STREET HOUSING—San Marcos, Texas



Birdseye looking SW – LBJ Elevation
CONCHO STREET HOUSING—San Marcos, Texas



Birdseye looking SW towards Campus
CONCHO STREET HOUSING—San Marcos, Texas

CASEY LTD
DEVELOPMENT



Birdseye looking SE – Concho/Guadalupe

CONCHO STREET HOUSING—San Marcos, Texas

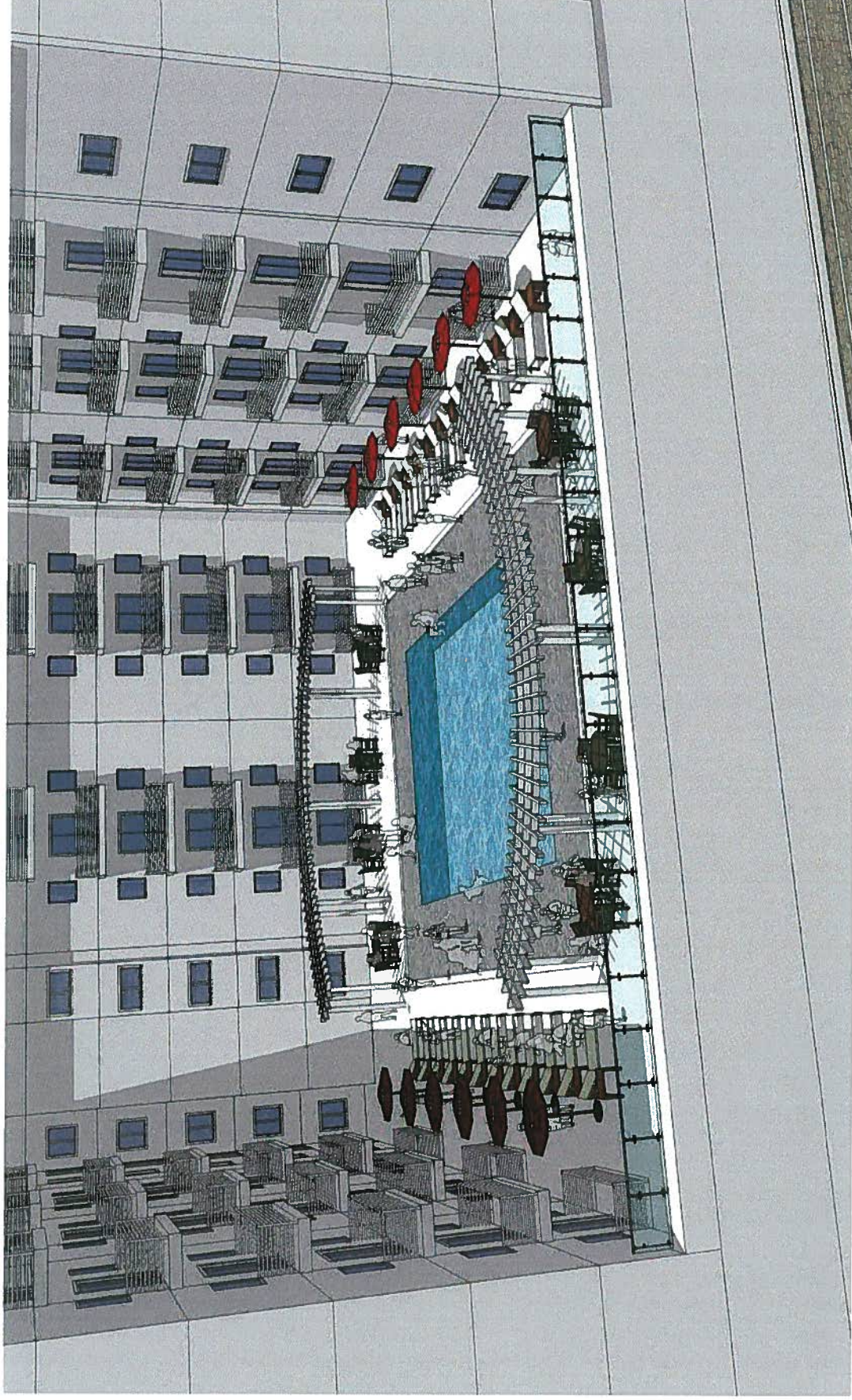
CASEY LTD
DEVELOPMENT



Concho/LBJ Streetscape

CONCHO STREET HOUSING—San Marcos, Texas

CASEY LTD
DEVELOPMENT



Pool Deck – View to Downtown
CONCHO STREET HOUSING—San Marcos, Texas

ARTICLE 6. DOWNTOWN DESIGN STANDARDS

6.1. INSTRUCTIONS

6.1.1. Applicability

- a. Lots and buildings located within downtown San Marcos as defined by the Design Contexts Map in the Downtown Design Guidelines Appendix to this Code and governed by this Code shall be subject to the requirements of this Article.

6.1.2. Deviations

- a. Deviations from the requirements of this Article may be approved administratively by the DRC subject to the criteria and standards established in the Downtown Design Guidelines.
- b. Should the DRC deny a request for a deviation under this Article, the applicant may apply for a Warrant from the Planning and Zoning Commission consistent with the procedures for a Warrant in Section 1.5.2.

6.2. CONTEXTUAL HEIGHT STEP DOWN REQUIREMENT

6.2.1. SPECIFIC TO ZONES T4, T5

- a. A step down in height is required for all buildings adjacent to a Sensitive Site.
- b. A maximum height of three stories is permitted within 25 feet of a side property line adjoining a Sensitive Site.
- c. A maximum height of three stories is permitted within 12 feet of a front property line across the street from a Sensitive Site.

TABLE 6.1 CONTEXTUAL HEIGHT STEP DOWN

The following table illustrates the two contextual height step down requirements.

a. Side adjacency: A maximum height of three stories is permitted within 25 ft. of a side property line adjoining a Sensitive Site.



b. Across street: A maximum height of three stories is permitted within 12 ft. of a front property line across the street from a Sensitive Site.

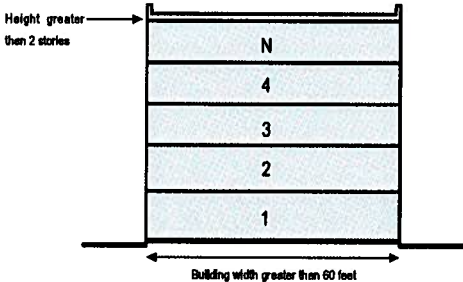
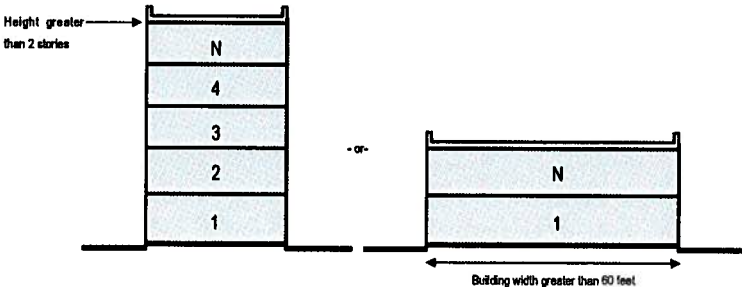
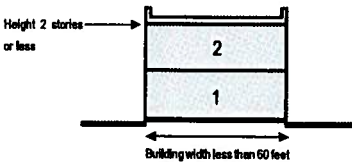


6.3. EXPRESSION REQUIREMENTS

6.3.1. SPECIFIC TO ZONES T4, T5

- 6.3.2. A minimum number of expression tools shall be applied as specified below and in Tables 6.2 and 6.3, and as illustrated in Table 6.4.
- a. Condition A, buildings with a facade width greater than 60 feet **AND** a height greater than 2 stories:
 - i. A minimum of two horizontal expression tools is required.
 - ii. At least one vertical expression tool is required.
 - b. Condition B, buildings with a facade width greater than 60 feet **OR** a height greater than 2 stories:
 - i. A minimum of three expression tools shall be used.
 - c. Condition C, buildings with a facade width of 60 feet or less and a height of 2 stories or less:
 - i. A minimum of two expression tools shall be used.
- 6.3.3. Any combinations of the wall notch, wall offset and vertical expression line alternatives shall count as only one expression alternative.
- 6.3.4. Vertical expressions shall be applied across the entire height of the facade.

TABLE 6.2 EXPRESSION REQUIREMENT CONDITIONS

| | |
|-------------|--|
| CONDITION A |  |
| CONDITION B |  |
| CONDITION C |  |

ARTICLE 6. DOWNTOWN BUILDING DESIGN

San Marcos, Texas

TABLE 6.3 EXPRESSION REQUIREMENTS

The following table outlines the expression tool requirements based on building facade width and height.












| | | CONDITION A | | CONDITION B | CONDITION C |
|--|--|---|-------------------------------------|--|---|
| | | Facade width > 60 ft. and building height > 2 stories | | Facade width > 60 ft. or building height > 2 stories | Facade width ≤ 60 ft. and building height ≤ 2 stories |
| | | Select a minimum of two alternatives | Select a minimum of one alternative | Select a minimum of three alternatives | Select a minimum of two alternatives |
| Horizontal Expression Tools | | | | | |
| a. Varied Parapet Height* : An offset in parapet height of at least 2 ft. at a minimum of every 60 ft. in building width. *The varied parapet height tool provides both horizontal and vertical articulation |  <div>T4 T5</div> | | | | |
| b. Canopy : Canopies or awnings which run across the full width of fenestrations on the first floor facade. |  <div>T4 T5</div> | | | | |
| c. Second Floor Expression Line : A line prescribed at a certain level of a building for the major part of the width of a facade, expressed by a variation in material or by a limited projection such as a molding or balcony. |  <div>T4 T5</div> | | | | |
| d. Cornice : A cornice detail of at least 18 in. height and 6" in depth for the entire width of the front facade. |  <div>T4 T5</div> | | | | |
| Vertical Expression Tools | | | | | |
| e. Wall Notch : A front facade setback of a minimum depth of 4 ft. and length of 8 ft. at a minimum interval of every 60 ft. across the building frontage. |  <div>T4 T5</div> | | | | |
| f. Vertical Expression Line : A vertical line expressed by a substantial change in material or vertical molding with a minimum size of at least 4 in. depth and 12 in. width, at a minimum interval of every 60 ft. across the building facade. |  <div>T4 T5</div> | | | | |
| g. Wall Offset : Facade modules of a maximum length of 60 ft. with a minimum of a 4 ft. offset from an adjacent module. |  <div>T4 T5</div> | | | | |

TABLE 6.4 EXPRESSION TOOLS

The following table illustrates the alternative expression tools.

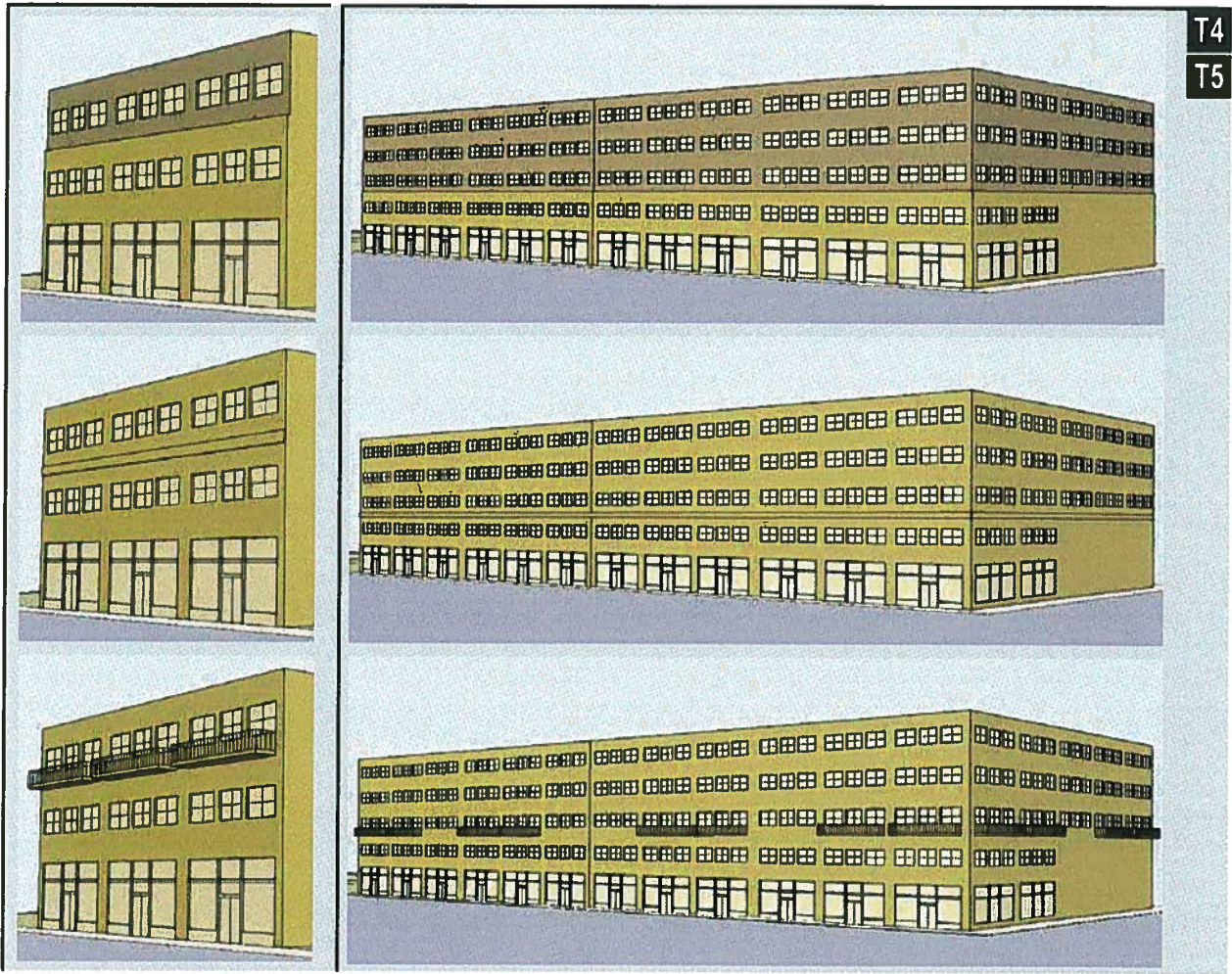
Vertical Expression Tools

| | |
|---|---|
| a. Varied Parapet Height: An offset in parapet height of at least 2 ft. spaced at a minimum of every 60 ft. across the building frontage. | |
|  |  |
| | T4 T5 |
| b. Canopy: Canopies or awnings which run across the full width of fenestrations on the first floor facade. | |
|  |  |
| | T4 T5 |

ARTICLE 6. DOWNTOWN BUILDING DESIGN

San Marcos, Texas

c. Second Floor Expression Line: A line prescribed at a certain level of a building for the major part of the width of a facade, expressed by a variation in material or by a limited projection such as a molding or balcony.



d. Cornice: A cornice detail of at least 18 in. height and 6 in. in depth for the entire width of the frontage



ARTICLE 6. BUILDING DESIGN

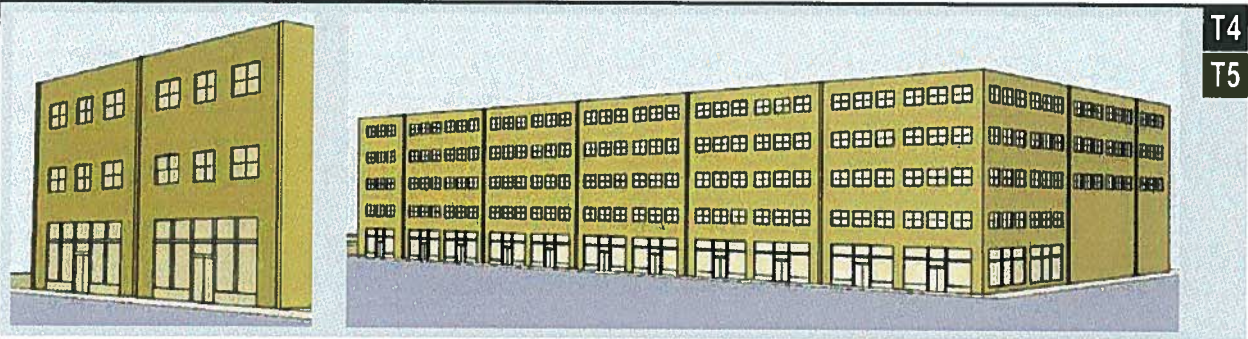
San Marcos, Texas

Vertical Expression Tools

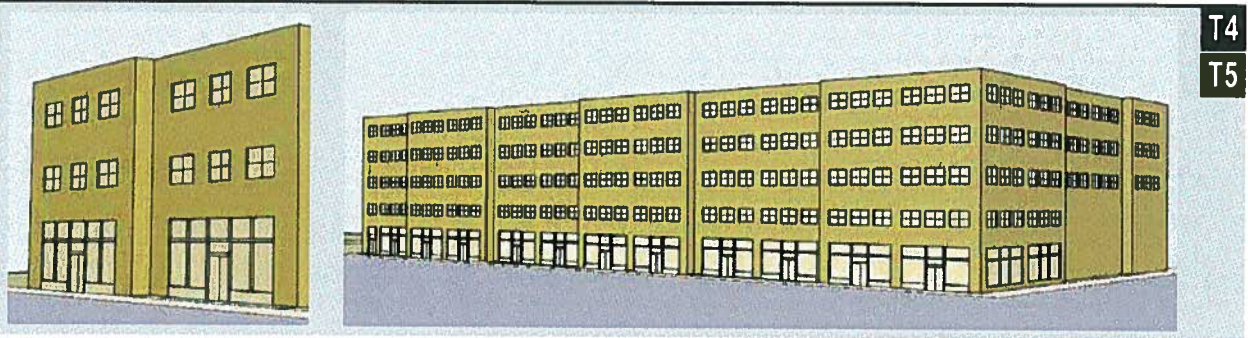
e. Wall Notch: A front facade setback of a minimum depth of 4 ft. and length of 8 ft. spaced at a minimum interval of every 60 ft. across the building frontage.



f. Vertical Expression Line: A vertical line at a minimum interval of every 60 ft. across the building frontage. This may be expressed by a substantial change in material or a vertical molding with a minimum size of at least 4 in. depth and 12 in. width.



g. Wall Offset: Facade modules of a maximum length of 60 ft. with a minimum of a 4 ft. offset from an adjacent module.



6.4. UPPER FLOOR WINDOW DESIGN REQUIREMENTS

6.4.1. SPECIFIC TO ZONES T4, T5

- a. Each principal frontage shall use a minimum of one upper floor window design tool as specified in Table 6.5 and illustrated in Table 6.6.

TABLE 6.5 UPPER FLOOR WINDOW DESIGN REQUIREMENTS

The following table outlines the window design requirement.

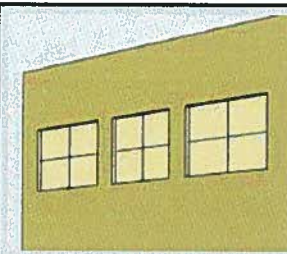
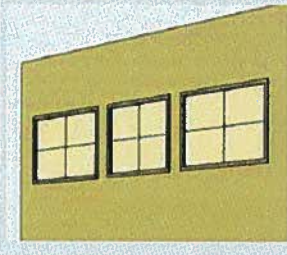
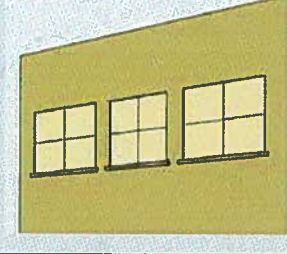
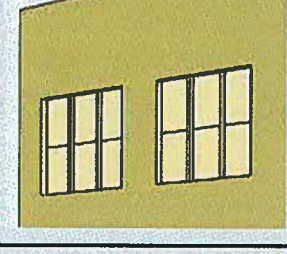
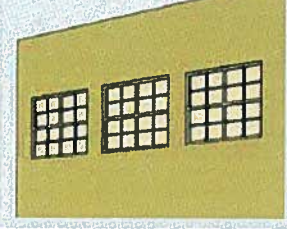
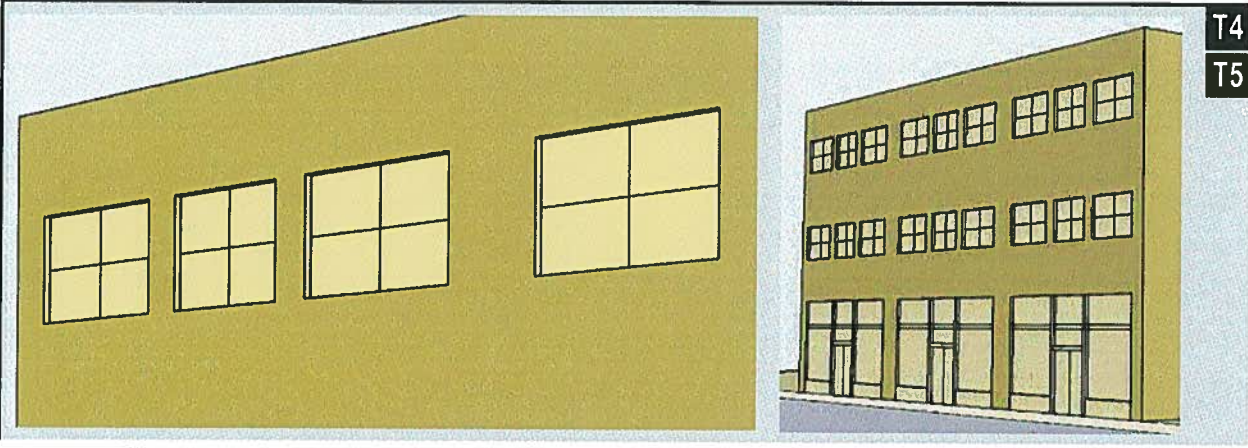
| Select a minimum of one upper floor window design alternative | | |
|---|---|--|
| <p>a. Window Inset: The window pane is inset a minimum of 3 in. behind the surface of the wall.</p> |  <p>T4 T5</p> | |
| <p>b. Window Frame: Each window opening is framed with trim that is a minimum of 1 in. depth and 2 in. width.</p> |  <p>T4 T5</p> | |
| <p>c. Window Sill: Each window opening is defined by a sill, which extends a minimum of 2 in. from the wall surface, with a height of 3 in. and runs a minimum width equal to each window.</p> |  <p>T4 T5</p> | |
| <p>d. Traditional Vertical Proportions: The window is proportioned similar to that of traditional buildings, with a height to width ratio of between 1.75:1 and 2.5:1. Traditionally proportioned windows may be "ganged" to create larger fenestration areas where the dividers between the windows have a depth of at least 2" and project at least 2" in front of the surface of the glass.</p> |  <p>T4 T5</p> | |
| <p>e. True Divided Lights: Windows shall use true muntins.</p> |  <p>T4 T5</p> | |

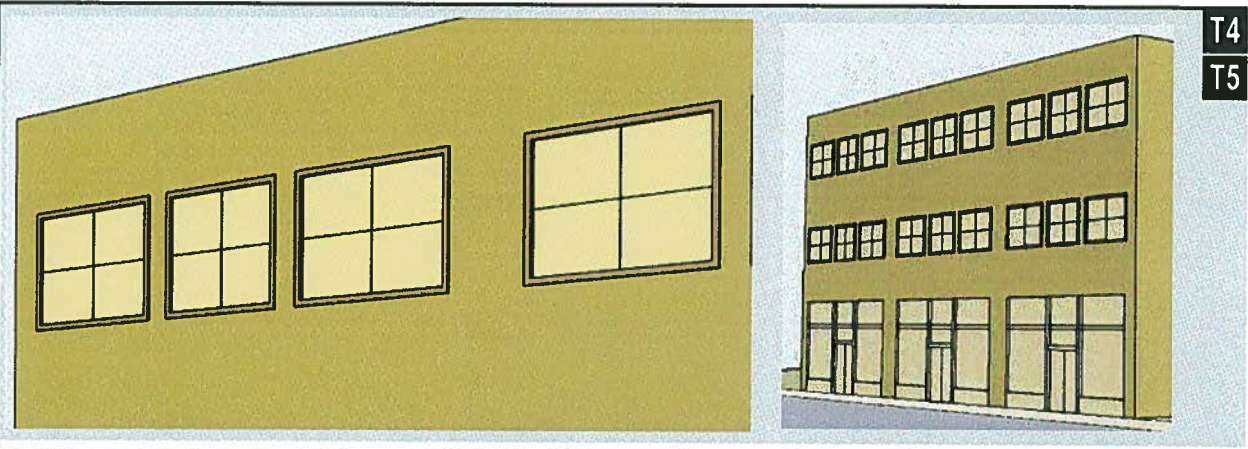
TABLE 6.6 UPPER FLOOR WINDOW DESIGN TOOLS

The following table illustrates the alternative window design tools.

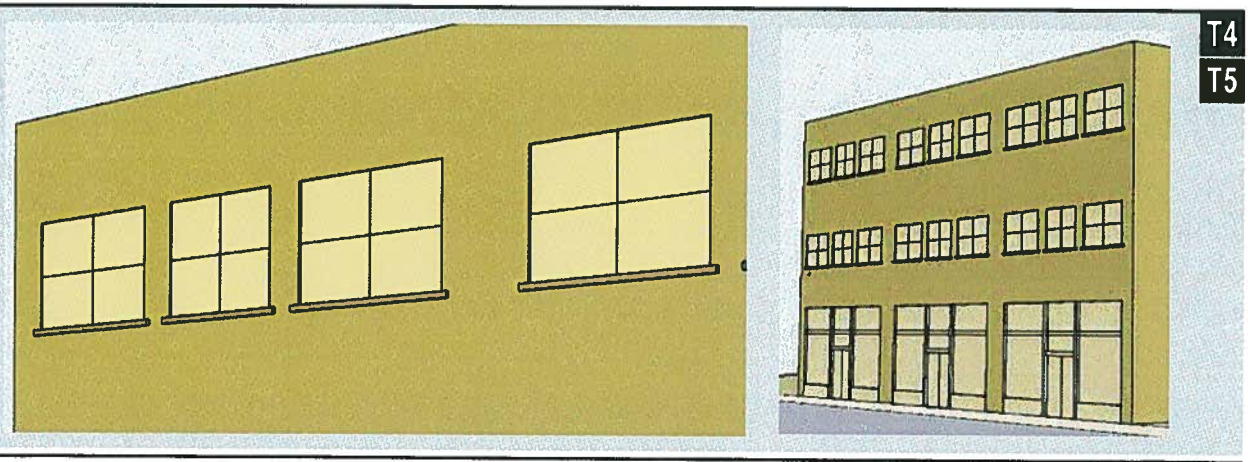
a. **Window Inset:** The window pane shall be inset a minimum of 3 in. behind the surface of the wall.



b. **Window Frame:** Each window opening shall be framed with trim that is a minimum dimension of 1 in. depth and 2 in. width.



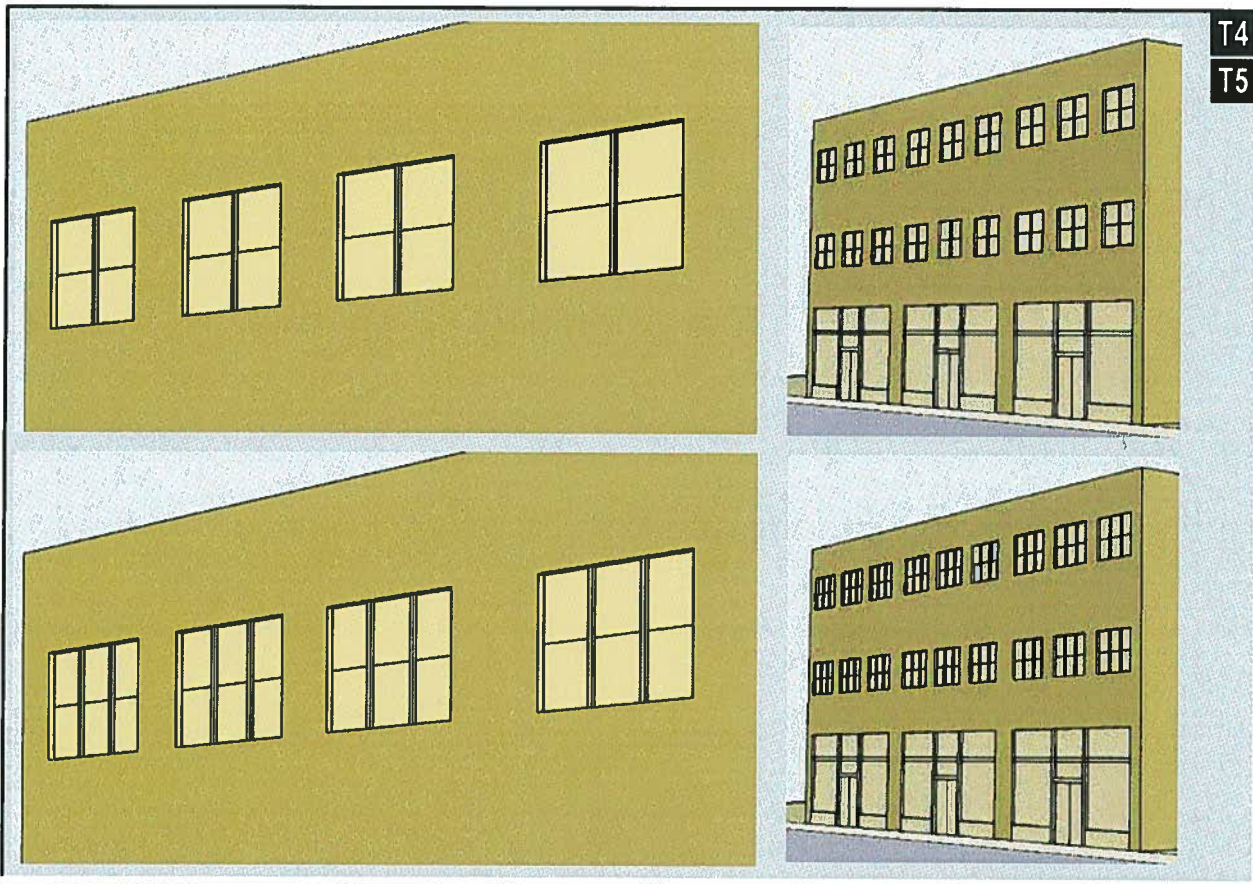
c. **Window Sill:** Each window opening shall be defined by a sill, which extends a minimum of 2 in. from the wall surface, with a height of 3 in. and a minimum width equal to that of each window.



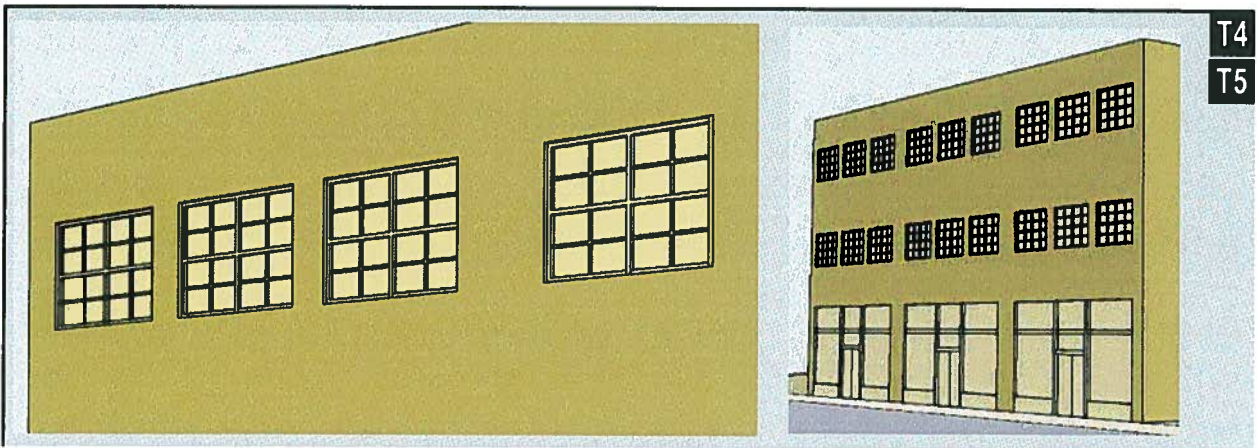
ARTICLE 6. DOWNTOWN BUILDING DESIGN

San Marcos, Texas

d. Traditional Proportions: The window shall have a height to width ratio of between 1.75:1 and 2.5:1. Traditionally proportioned windows may be "ganged" to create larger fenestration areas where the dividers between the windows have a depth of at least 2 in. and project at least 2 in. in front of the surface of the glass.



e. True Divided Lights: Windows shall use true muntins.



6.5. VARIED UPPER FLOOR MASSING REQUIREMENT

- 6.5.1. Buildings over three stories in height with a frontage of 60 feet or greater shall provide variety in the upper floor massing. Select one alternative as specified below and in Table 6.7.
- a. A minimum of 40% of the building facade over three stories in height shall be set back a minimum of 20 feet from the front building wall, or
 - b. A minimum of 50% of the building facade over three stories in height shall be set back a minimum of 15 feet from the front building wall. .
- 6.5.2. The Development Review Committee may administratively approve exceptions to the upper floor massing requirement provided they meet the criteria established in the Downtown Design Guidelines.

TABLE 6.7 VARIED UPPER FLOOR MASSING ALTERNATIVES

This table illustrates the varied upper floor massing alternatives.

Select one alternative

Varied Upper Floor Massing Alternatives

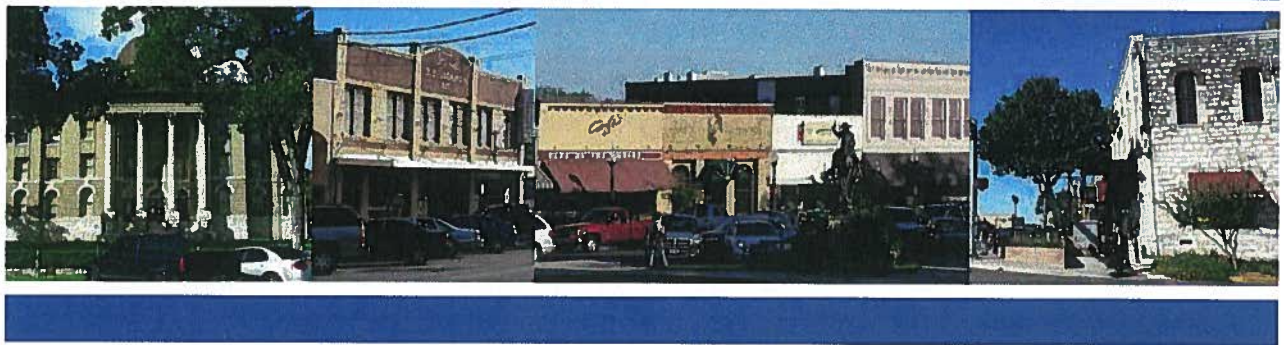
a. A minimum of 40% of the building facade over three stories in height shall be set back a minimum of 20 ft. from the front building wall.



b. A minimum of 50% of the building facade over three stories in height shall be set back a minimum of 15 ft. from the front building wall.



Downtown Design Guidelines



**San Marcos, TX
August 22, 2012**

Introduction

The regulations in the SmartCode establish the basic requirements for building mass and scale throughout the downtown (see Design Context Map on page 5 for downtown boundary). These design guidelines supplement the SmartCode standards in the following ways:

- As advisory information for those who wish to better understand the intent of the design standards in the downtown SmartCode.
- As part of design review for the “administrative approval” process when alternatives are applied for.
- As part of design review for the “by warrant” process when alternatives are applied for.

About the Design Guidelines

The guidelines within this document focus on allowing for flexibility in design while also protecting the character of downtown and enhancing its pedestrian-friendly atmosphere. The guidelines and the review process through which they are administered seek to maintain downtown as a cohesive, livable place. Maintaining an attractive pedestrian-oriented environment is a fundamental concept. In addition, the guidelines serve as educational and planning tools for property owners and their design professionals who seek to make improvements downtown.

The design guidelines also provide a basis for making consistent decisions about the appropriateness of improvement projects requesting alternative strategies through the City’s design review process. This includes both Administrative Review by the Development Review Committee as well as Planning and Zoning Board review through the Warrant process. The Design Standards in the SmartCode and the City’s adopted Building Codes have been codified to meet the intent of the Design Guidelines. Projects that meet those standards and are not requesting exceptions shall be judged to have met the Downtown Design Guidelines.

Section 1:

Design Principles for Downtown San Marcos

General Principles for New Development

This section sets forth fundamental principles for improvements in the downtown. These principles are broad in nature, focusing on qualitative aspects of design. Each improvement project in downtown should help forward the goals outlined in the Introduction and should also comply with these fundamental design principles:

1. Honor the heritage of the city

Buildings, sites and components of urban infrastructure that have historic significance should be preserved and considered as design inspiration for new work downtown. This does not mean copying earlier styles, but rather learning from them. New work around these resources should be compatible with them.

2. Celebrate Courthouse Square

As the major focal point of downtown, Courthouse Square should be valued in all urban design. This applies to properties in close proximity to the square, but also relates to improvements that may link other places to it, in terms of views, pedestrian circulation and building orientation.

3. Design to fit with the context

Improvement projects should consider their context. In some areas, that context remains strongly anchored by historic buildings. In other parts of downtown, the context is more contemporary, with individual historic buildings sometimes appearing as accents. In still other areas, no historic structures exist. In this respect, "designing in context" means helping to achieve the long term goals for each of these areas.

4. Promote creativity

Innovation in design is welcomed in downtown. Exploring new ways of designing buildings and spaces is appropriate when they contribute to a cohesive urban fabric. This type of creativity should be distinguished from simply being "different."

5. Design with authenticity

Downtown is defined by buildings and places that reflect their own time, including distinct construction techniques as well as style. The result is a sense of authenticity in building and materials. All new improvements should convey this sense of authenticity.

6. Design with consistency

Buildings and places in downtown that are highly valued are those which have a cohesive quality in their use of materials, organization of functions and overall design concept. Each new project should also embody a single, consistent design concept.

7. Design for durability

Downtown's cherished buildings and spaces are designed for the long term with durable materials. New work should have this same quality.

8. Design for sustainability

Aspects of cultural, economic and environmental sustainability that relate to urban design and compatibility should be woven into new developments and improvements.

9. Enhance the public realm

At the heart of downtown is an enhanced public realm, including streets, sidewalks and open spaces. Sidewalks and other pedestrian ways should be designed to invite their use through thoughtful planning and design. Improvement on private property also should enhance the public realm.

10. Enhance the pedestrian experience

Each improvement project should contribute to a pedestrian-friendly environment. This includes defining street edges with buildings and spaces that are visually interesting and attract pedestrian activity. Buildings that convey a sense of human scale and streetscapes that invite walking are keys to successful design in downtown. Providing sidewalks of sufficient width for circulation and outdoor activities, and installing appropriate landscape and streetscape elements is also important.

Section 2: Design Contexts

This section includes goal statements for each of the design contexts within downtown. These contexts are areas identified by community workshop participants as having unique character, constraints and/or design goals. Please note the Courthouse Square area is not included, as a separate design review system is in place for the historic district. See the map on the following page for the location of the design contexts.

University Edge

The University Edge context should create a safe, pedestrian-friendly transition between campus and downtown. New campus development in this context should be compatible in scale and respectful of downtown design traditions. In addition, within the University Edge there are key public views up to campus and down to Courthouse Square. New development should preserve and enhance these views.

Downtown

Within the Downtown context it is especially important to maintain compatibility with Courthouse Square. Increased density is appropriate where it does not impact the character of the square.

Residential/Transition Edge

For new development within the Residential/Transition Edge context it is important to minimize impacts from higher scale development on the character of the adjacent residential neighborhoods. New development should provide a transition in scale between the taller buildings in the T5 zone and the existing residential neighborhoods.

Transit Oriented Development

Projects within the Transit Oriented Development context should establish a strong pedestrian orientation. The street front character is especially important here to encourage pedestrian activity.

Approach

The Approach context is the corridor between the highway and downtown, providing an entry procession into the heart of downtown. New development in this area should provide visual interest and not overwhelm the distinct character of the downtown.

San Marcos, TX
SmartCode Overlay
Design Guidelines

Design Contexts Map

0 250 500 1,000 Feet

Section 3: Design Guidelines

Overarching Guidelines

This section provides general design guidelines for projects throughout all of the design contexts downtown.

Building Scale

A new building should convey a sense of human scale through its design features.

1. Establish a sense of human scale in a building design.

Views

Views from the public right of way to the university and Courthouse Square are important and should be retained. The location of the building on a site, in addition to its scale, height, and massing, can impact views from the adjacent public right of way, including streets, sidewalks, intersections, and public spaces.

2. Minimize the impacts to primary views from the public right of way to the university and Courthouse Square.

Guidelines Specific to the Design Standards

This section provides specific guidelines on topics directly related to the design standards.

Building Height

The variety in building heights that exists in downtown San Marcos helps to define the character of the area. New development should continue the tradition of height variation, expressing and supporting human scale and architectural diversity in the area. New buildings above three stories should set back upper floors to maintain a sense of human scale at the street and minimize impacts to lower scale historic structures downtown. The base code allows five stories in downtown, but additional height may be considered. The following table should be used when analyzing requests for additional height.

3. Provide variation in building height in a large project.
4. Position the taller portion of a structure away from neighboring buildings of lower scale or other sensitive edges.

Height Strategy by Context

| Design Context | Goal(s) | Additional Height in First and Second Layer | Additional Height in Third Layer |
|------------------------------|---|---|--|
| University Edge | Preserve key public views up the hill to campus. | Alternatives which maintain sufficient public access to key views up the hill may be considered. | Alternatives may be considered where taller structures will provide greater residential opportunities within proximity to campus and key views are sufficiently maintained. |
| Downtown | Maintain compatibility with Courthouse Square. | Flexibility for building height requirements may be considered where it will not be visible from the square. Overall mass should maintain a sense of human scale and not appear out of character with the Downtown Historic District. | No additional height adjacent to Downtown Historic District. Additional height may be considered where it will not obscure key views. |
| Residential/ Transition Edge | Minimize impacts from higher scale development on the character of adjacent residential neighborhoods. Provide a transition in scale between the T5 zone and the neighborhoods. | No additional height. | Additional height should only be permitted if it is not visible from the public right of way or the adjacent residential neighborhoods. |
| Transit Oriented Development | An increased density at and surrounding the future rail stop is desired. | Additional height at the street wall may be appropriate where the building maintains a sense of human scale and a pedestrian-friendly streetscape. | Additional height may be appropriate here where the building maintains a sense of human scale and maintains a pedestrian-friendly streetscape. |
| Approach | The intent for the approach area is to provide corridors between the highway and downtown. | Additional height may be appropriate where it does not directly impact residential neighborhoods. The building should maintain a sense of human scale and a pedestrian-friendly streetscape. | Additional height may be appropriate where it does not directly impact residential neighborhoods. The building should maintain a sense of human scale and a pedestrian-friendly streetscape. |

Building Mass and Articulation

Traditional development patterns create a rhythm along the street by the repetition of similar building widths and vertical proportions. Variations in massing and building articulation should be expressed throughout a new structure, resulting in a composition of building modules that relate to the scale of traditional buildings.

5. Provide horizontal expression at lower floor heights to establish a sense of scale.
6. Provide vertical articulation in a larger building mass to establish a sense of scale.
7. Maintain established development patterns created by the repetition of similar building widths along the street.
8. Design floor to floor heights to establish a sense of scale and reflect San Marcos traditions.

Canopies and Awnings

Canopies and awnings are noteworthy features on many buildings in the downtown, and their continued use is encouraged. Traditionally, these features were simple in detail, and reflected the character of the building to which they were attached.

9. An awning or canopy should be in character with the building and streetscape.

Window Design

The manner in which windows are used to articulate a building wall is an important consideration in establishing a sense of scale and visual continuity. In traditional commercial buildings, a storefront system was installed on the ground floor and upper story windows most often appeared as punched openings. Window design and placement should help to establish a sense of scale and provide pedestrian interest.

10. Provide a high level of ground floor transparency on a building in an area traditionally defined by commercial storefronts.
11. The use of a contemporary storefront design is encouraged in commercial settings.
12. Arrange windows to reflect the traditional rhythm and general alignment of windows in the area.

Section 4: Sign Guidelines

Overarching Sign Guidelines

This section provides general design guidelines for signs throughout the downtown. Balancing the functional requirements for signs with the objectives for the overall character of the downtown is a key sign design consideration. In downtown, a sign is seen as serving two functions: first, to attract attention; and second, to convey information, essentially identifying the business or services offered. Orderly sign location and design should be applied to make fewer and smaller signs more effective. If a sign is mounted on a building with a well-designed facade, the building front alone can serve much of the attention-getting function. The sign can then focus on conveying information in a well-conceived manner. Similarly, for a free-standing sign, landscaping and other site amenities can help to give identity to the businesses located on the site. In this respect, each sign should be considered with the overall composition of the building and the site in mind. Signs should be in scale with their structure and integrated with surrounding buildings.

13. Consider a sign in the context of the overall building and site design.
14. Design a sign to be in scale with its setting.
15. Design a sign to highlight architectural features of the building.
16. Design a sign to convey visual interest to pedestrians.
17. Avoid damaging or obscuring architectural details or features when installing signs on historic structures.

Guidelines Specific to the Sign Standards

This section provides specific sign guidelines on topics directly related to the sign standards.

Historic Signs

Historic signs contribute to the character of downtown. They also have individual value, apart from the buildings to which they are attached. Historic signs of all types should be retained and restored whenever possible. This is especially important when they are a significant part of a building's history or design.

18. Consider history, context and design when determining whether to retain a historic sign.

Sign Character

A sign should be in character with the materials, colors and details of the building and its site. The integration of an attached sign with the building or building facade is important and should be a key factor in its design and installation. Signs also should be visually interesting and clearly legible. Signs that appear to be custom-designed and fabricated, and that convey visual interest in the urban setting are preferred. Those that are scaled to the pedestrian are especially encouraged. A sign should also reflect the overall context of the building and surrounding area.

19. A sign should be subordinate to the overall building composition.
20. Use sign materials that are compatible with the architectural character and materials of the building.
21. A sign should not obscure character-defining features of a building.

Sign Lighting

Illumination should occur in a manner that keeps it subordinate to the overall building and its site as well as the neighborhood, while accomplishing the functional needs of the business. Minimize surface glare and manage light spill such that glare is not created on adjoining properties.

22. Where allowed, an external light source should be shielded to direct the light and minimize glare.
23. Neon, halo and internal, diffused illumination may be considered if located at the street level and designed to be in character with, and subordinate to the building facade.

Specific Sign Types

This section includes guidelines for the specific sign types allowed in the sign standards.

Awning and Canopy Signs

An awning or canopy sign is flat against the surface of the awning or canopy material.

24. Use an awning or canopy sign in areas with high pedestrian use.
25. Use an awning or canopy sign when other sign types would obscure architectural details.

Projecting Sign

A projecting sign is attached perpendicular to the wall of a building or structure.

26. Design a bracket for a projecting sign to complement the sign composition.
27. Locate a projecting sign to relate to the building facade and entries.

Sandwich Board

A sandwich board is a portable sign designed in an A-frame or other fashion, and having back-to-back sign faces.

- 28. Locate a sandwich board to maintain a clear circulation path on the sidewalk.
- 29. Design the sandwich board to be durable and have a stable base.

Wall Sign

A wall sign is any sign attached parallel to, but within 18 inches of a wall of a building including individual letters, cabinet signs, or signs painted on the surface of a wall.

- 30. Place a wall sign to be flat against the building facade.
- 31. Place wall signs to integrate with and not obscure building details and elements.

Directory Sign

A tenant panel or directory sign displays the tenant name and location for a building containing multiple tenants.

- 32. Use a directory sign to consolidate small individual signs on a larger building.
- 33. Locate a directory sign at the street level entrance to upper floor businesses or on facades facing entrances to alleys, rear lanes and parking lots for business wayfinding purposes.

Pole and Monument Signs

A monument sign is a sign that is erected on a solid base placed directly on the ground and constructed of a solid material. A pole mounted sign is generally mounted on one or two simple poles.

- 34. A pole or monument sign may be considered where it has been used traditionally and the building or activity is set back from the street or public right-of-way.
- 35. A pole or monument sign may be considered on a historic property or within a historic district when it is demonstrated that no other option is appropriate.
- 36. Design a pole or monument sign to be in character and proportion with its structure and site.
- 37. Design a monument sign to incorporate a sturdy supporting base that is at least 75% of the width of the sign face at its widest point. Appropriate base materials include, but are not limited to brick, stone, masonry and concrete.

Appendix A:

The Intent of the Standards

The following section provides intent statements for each of the tools, or set of tools, used in the standards. These statements should be used in determining compatibility of alternative designs with the intent of the standards.

1. Contextual Height Step Down Requirement

To provide a compatible sense of scale along sensitive edges in the downtown by using lower building heights for areas of a property adjacent to a Sensitive Site.

2. Expression Requirements

Traditionally, buildings in downtown San Marcos have an established sense of scale and proportion and express a visual rhythm and pedestrian interest at the street front. This should be continued in new projects. Vertical and horizontal articulation should express a sense of human scale and provide visual interest on a principal frontage.

Expression Requirements: Vertical Expression

Vertical articulation techniques should provide interest in design and human scale. The purpose of these articulations is to ensure that the front of a new structure has a variety of offsets, surface relief, and insets to reflect a more traditional rhythm and scale at the street front.

Expression Requirements: Horizontal Articulation

The objective of horizontal articulation tools is to create a sense of human scale, facade depth and visual interest on a building facade.

3. Window Design Requirements

A key feature of traditional buildings in downtown San Marcos is that window openings are clearly defined, either by a substantial inset behind the wall surface or by framing elements and sills. Window definition should add a sense of depth to the facade and contribute to a sense of human scale and visual interest.

4. Varied Upper Floor Massing Requirement

Buildings in downtown San Marcos are typically three stories or less in height. In most cases a range of building heights occur across a single block face. As the desired density increase is incorporated, it is important that new, taller structures not dominate the street front. Taller buildings should vary upper floor massing to provide variety in building height as perceived from the street and to maintain a sense of pedestrian scale at the sidewalk.

Appendix B: Examples of Design Principles Applied

The following photographs provide examples of improvements that illustrate how some of the design guidelines may apply in downtown San Marcos. Some specific design features are identified in the captions. Note that, in some cases, while a specific design feature is described as being an appropriate example, the overall building shown may not meet all of the city's other design standards and guidelines.



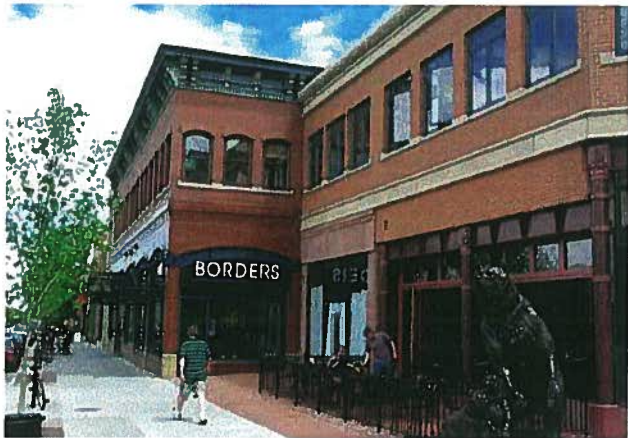
Vertical Expression:
• Vertical expression lines

Horizontal Expression:
• Cornice



Vertical Expression:
• Vertical expression lines

Horizontal Expression:
• Canopy



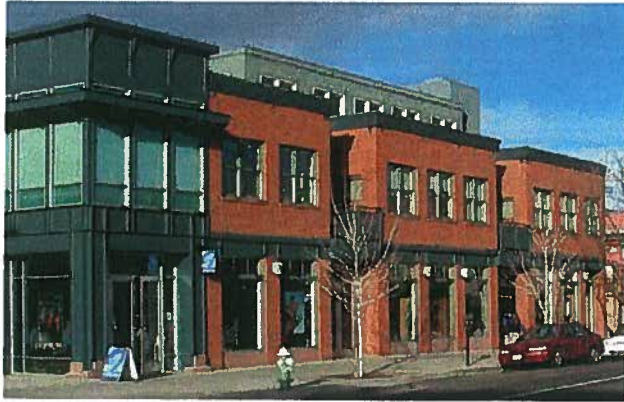
Vertical expression:
• Wall Offset

Horizontal expression:
• Horizontal expression line



• Stepped down and varied massing

Vertical Expression:
• Wall Offset



Vertical Expression:

- Wall notch

Horizontal Expression:

- Horizontal expression line



Vertical Expression:

- Wall notch

Horizontal Expression:

- Varied parapet



Vertical Expression:

- Wall Offset

Horizontal expression:

- Horizontal expression line/materials change
- Varied parapet height

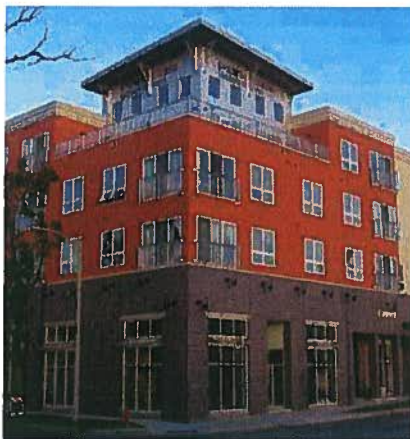


Vertical Expression:

- Wall Offset

Horizontal expression:

- Moldings
- Cornice



- Varied upper floor massing

Horizontal Expression:

- Change in materials
- Varied parapet



- Stepped down and varied massing

Vertical Expression:

- Change in materials



Vertical Expression:

- Change in materials

Horizontal Expression:

- Moldings
- Cornice



- Varied upper floor massing

Horizontal Expression:

- Varied parapet
- Canopies and awnings



Horizontal Expression:

- Balconies

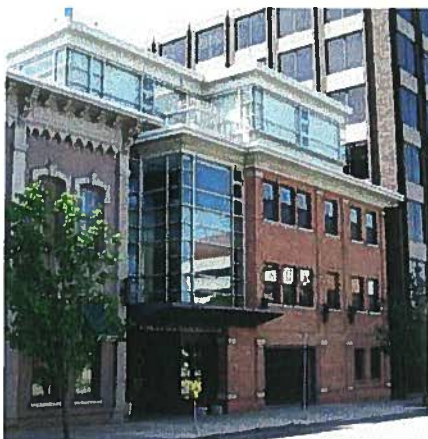


Vertical Expression:

- Wall Offset

Window Design:

- Vertical window proportions



- Step down in height adjacent to historic building

Horizontal Expression:

- Cornice

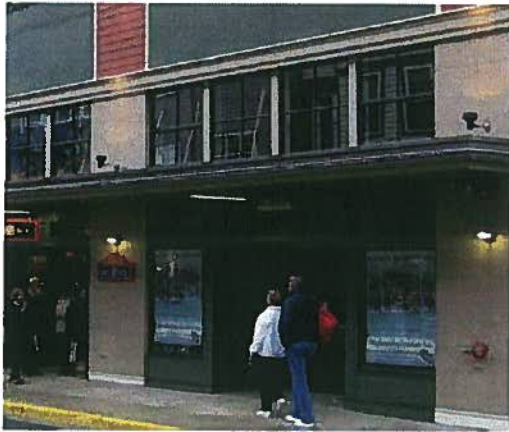


Vertical Expression:

- Wall notch

Horizontal Expression:

- Change in materials



Horizontal Expression:

- Canopy
- Moldings

Window Design:

- True divided lights
- Vertical proportions (in pairs)



Window Design:

- Frame
- Vertical proportions (in sets of 2 and 4)

Horizontal Expression:

- Cornice
- Molding



- Varied upper floor massing

Vertical Expression:

- Wall notch

Horizontal Expression:

- Cornice



Vertical Expression:

- Wall offsets



- Varied parapet line

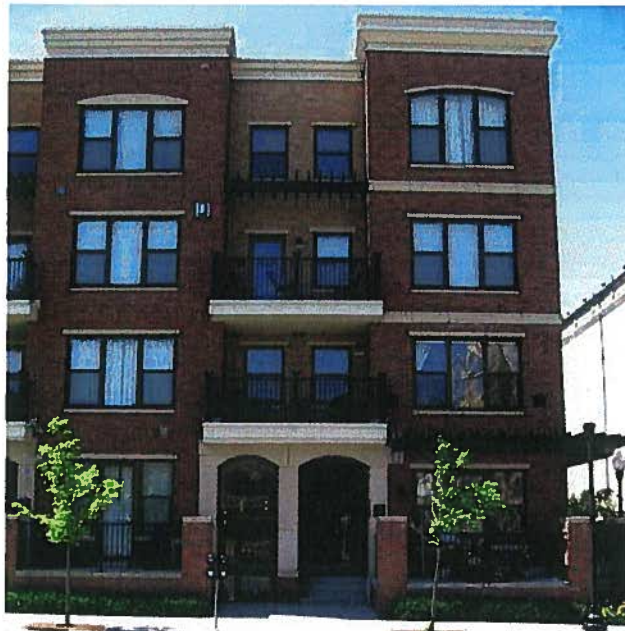
Window Design:

- Vertical proportions (in pairs)
- True divided lights



Window Design:

- Sills
- True divided lights
- Window inset



Vertical Expression:

- Wall notch
- Change in materials

Horizontal Expression:

- Cornices
- Balconies

Window Design:

- Vertical proportions (in sets of three)



Vertical Expression:

- Wall notch

Horizontal Expression:

- Awnings at first floor
- Window moldings at second floor
- Cornice

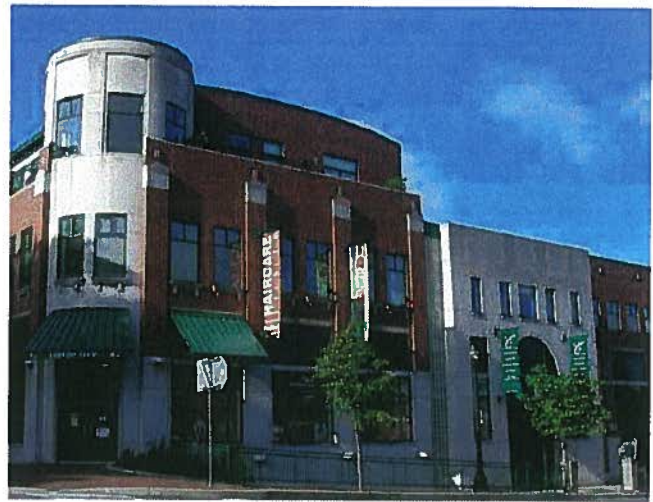


Horizontal Expression:

- Awning & canopies

Window Design:

- Sills
- Vertical proportions



- Varied parapet line

Vertical Expression:

- Change in materials
- Vertical expression line (pilasters)

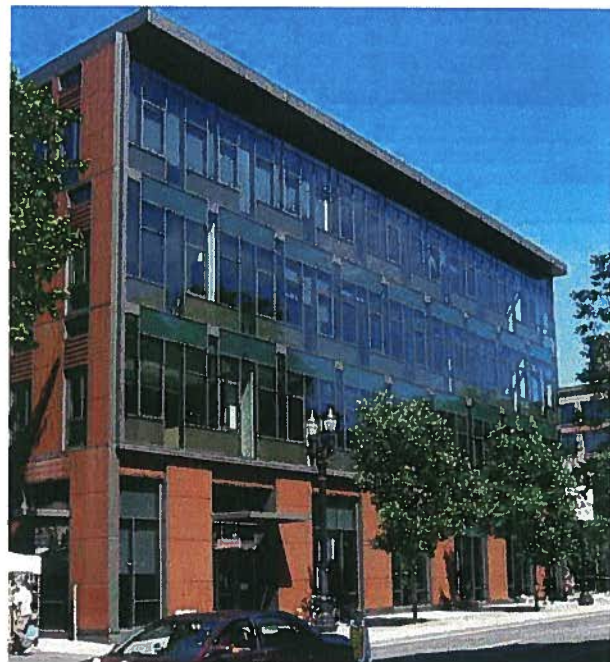


Vertical Expression:

- Vertical expression line (pilasters or attached columns)

Horizontal Expression:

- Cornice
- Change in materials (first and upper floors)



Horizontal Expression:

- Change in materials (at first floor)
- Cornice

Window Design:

- Vertical proportions



- Varied upper floor massing

Horizontal Expression:

- Cornice
- Change in materials (upper floor)

Window Design:

- Inset
- Sills
- True divided lights



- Varied upper floor heights

Horizontal Expression:

- Change in materials



Horizontal Expression:

- Cornice

Window Design:

- Sills
- Inset



Horizontal Expression:

- Cornice
- Second floor expression line



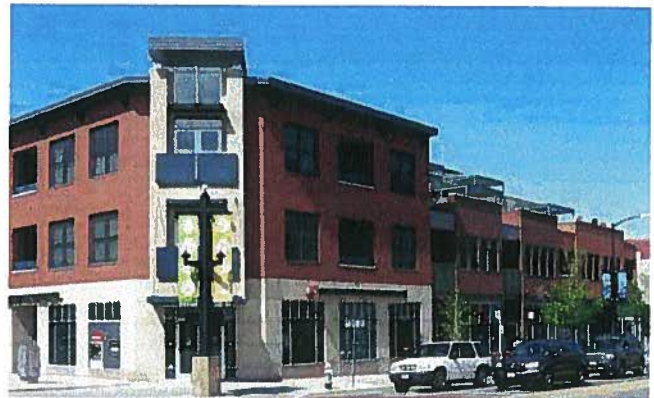
- Varied upper floor massing

Vertical Expression:

- Wall offset

Horizontal Expression:

- Cornices



Vertical Expression:

- Wall notches

Horizontal Expression:

- Change in materials at first floor
- Cornices



Horizontal Expression:

- Awnings



- Varied upper floor heights

Vertical Expression:

- Wall offsets
- Cornice



Window Design:

- Inset
- Sills



Window Design:

- Inset
- Sills

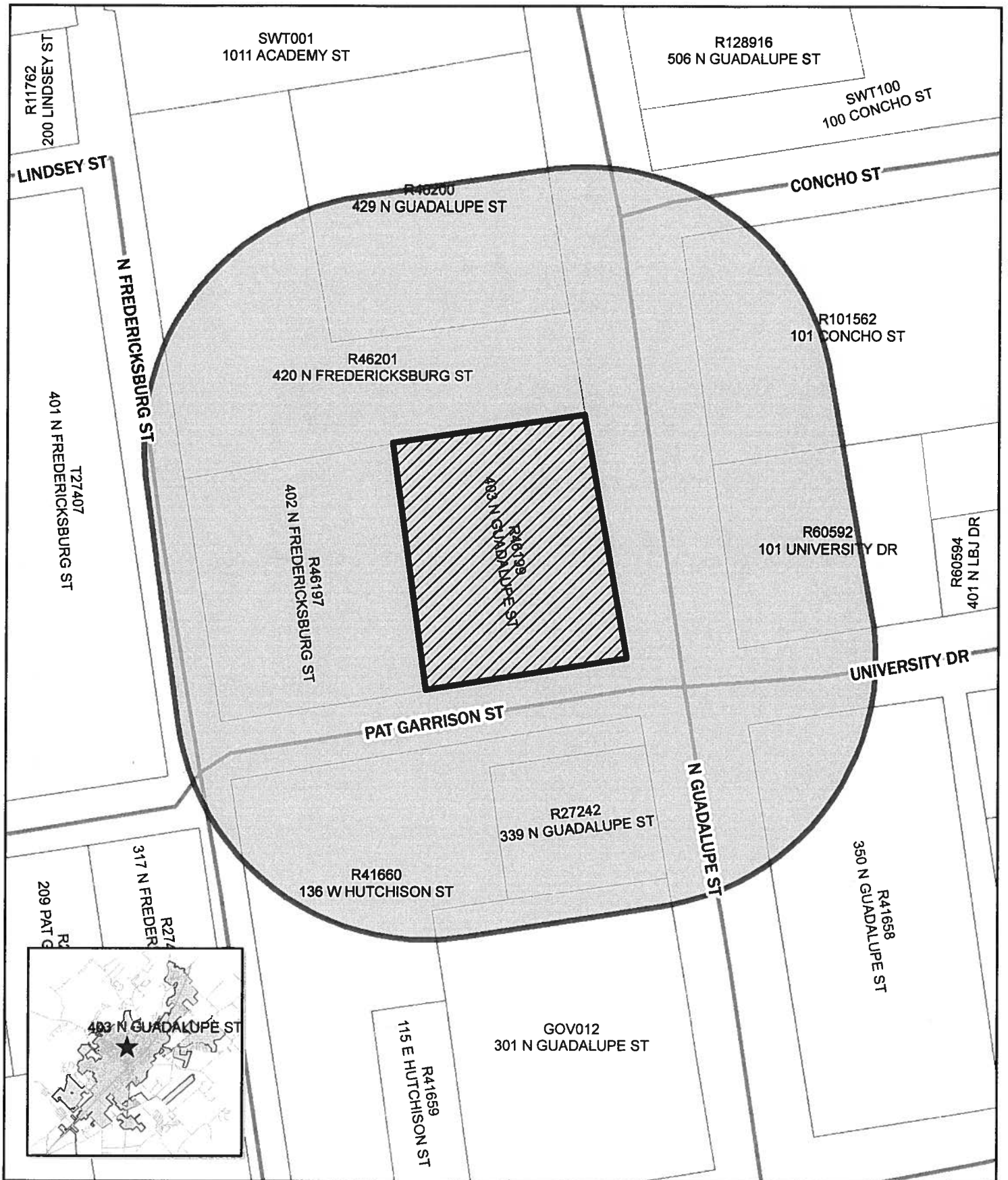


Vertical Expression:

- Wall notches
- Change in materials

Horizontal Expression:

- Cornices
- Change in materials



CUP-12-38

Gumby Pizza and Wings

403-A N. Guadalupe

Map Date: 10/10/12



Notification Buffer
(200 feet)

Site Location

Historic District

This map was created by Development Services
for reference purposes only. No warranty is made
concerning the map's accuracy or completeness.

0 45 90 180

Feet



CUP-12-38

Conditional Use Permit

Gumby's Pizza and Wings

403-A N. Guadalupe St



Applicant Information:

Applicant: Gumby's of San Marcos

Mailing Address: John Higdon
403-A N. Guadalupe St
San Marcos TX 78666

Property Owner: Southland Corp.
PO Box 711
Dallas TX 75221

Applicant Request: Renewal of a Conditional Use Permit (CUP) to allow the on-premise consumption of beer and wine.

Public Hearing Notice: Public hearing notification was mailed on October 12, 2012.

Response: No response as of October 18, 2012.

Subject Property:

Expiration Date: October 25, 2012

Location: 403-A N. Guadalupe St

Legal Description: University Plaza Section 1 Lot 1

Frontage On: N. Guadalupe St

Existing Zoning: T5 San Marcos SmartCode

Utilities: Adequate

Existing Use of Property: Restaurant

Zoning and Land Use Pattern:

| | Current Zoning | Existing Land Use |
|---------------|----------------|--------------------------|
| N of property | P – Public | University |
| S of property | T5 | Gas Station |
| E of property | T5 | Restaurant |
| W of property | T5 | Multi-Family Residential |

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

This location is outside the CBA, and is not subject to the additional requirements in the CBA.

Case Summary

The subject property is located on N. Guadalupe Street, north of the established Central Business District, within the Downtown SmartCode. The SmartCode zoning district refers directly to the Land Development Code for the provision of liquor serving establishments anywhere within this district. The Commission originally approved the CUP in October 2011 for one year to allow the on-premise consumption of beer and wine. The applicant is now requesting to renew the Conditional Use Permit. The current permit will expire on October 25, 2012.

The gross floor area is 2,500 square feet and there are 39 off-street parking spaces. The application indicates that the restaurant has an indoor seating capacity of 44. The restaurant's hours of operations are from 11 a.m. to 3:30 a.m. with no live entertainment proposed. The applicant is not proposing any other improvements to the structure at this time.

Comments from Other Departments:

Police, Health, Building, Engineering, and Code Enforcement have not reported major concerns regarding the subject property.

Planning Department Analysis:

The subject property is surrounded by commercial uses and is an established restaurant. While the restaurant stays open until 3:30 a.m., alcohol sales are stopped at 2:00 a.m. per the requirement of TABC. Staff has not received any citizen comments or comments from other departments.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following condition:

- 1. The permit shall be valid for three (3) years, provided standards are met, subject to the point system;**

| Planning Department Recommendation: | |
|-------------------------------------|---|
| | Approve as submitted |
| X | Approve with conditions or revisions as noted |
| | Alternative |
| | Denial |

Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

Alison Brake

Planner

October 18, 2012

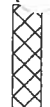


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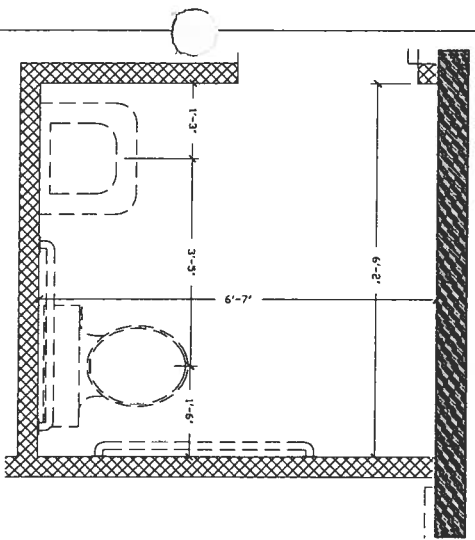
Title

Date

TOTAL PROPOSED
SF: 941 sqft
OCCUPANCY B
CONSTRUCTION TYPE B

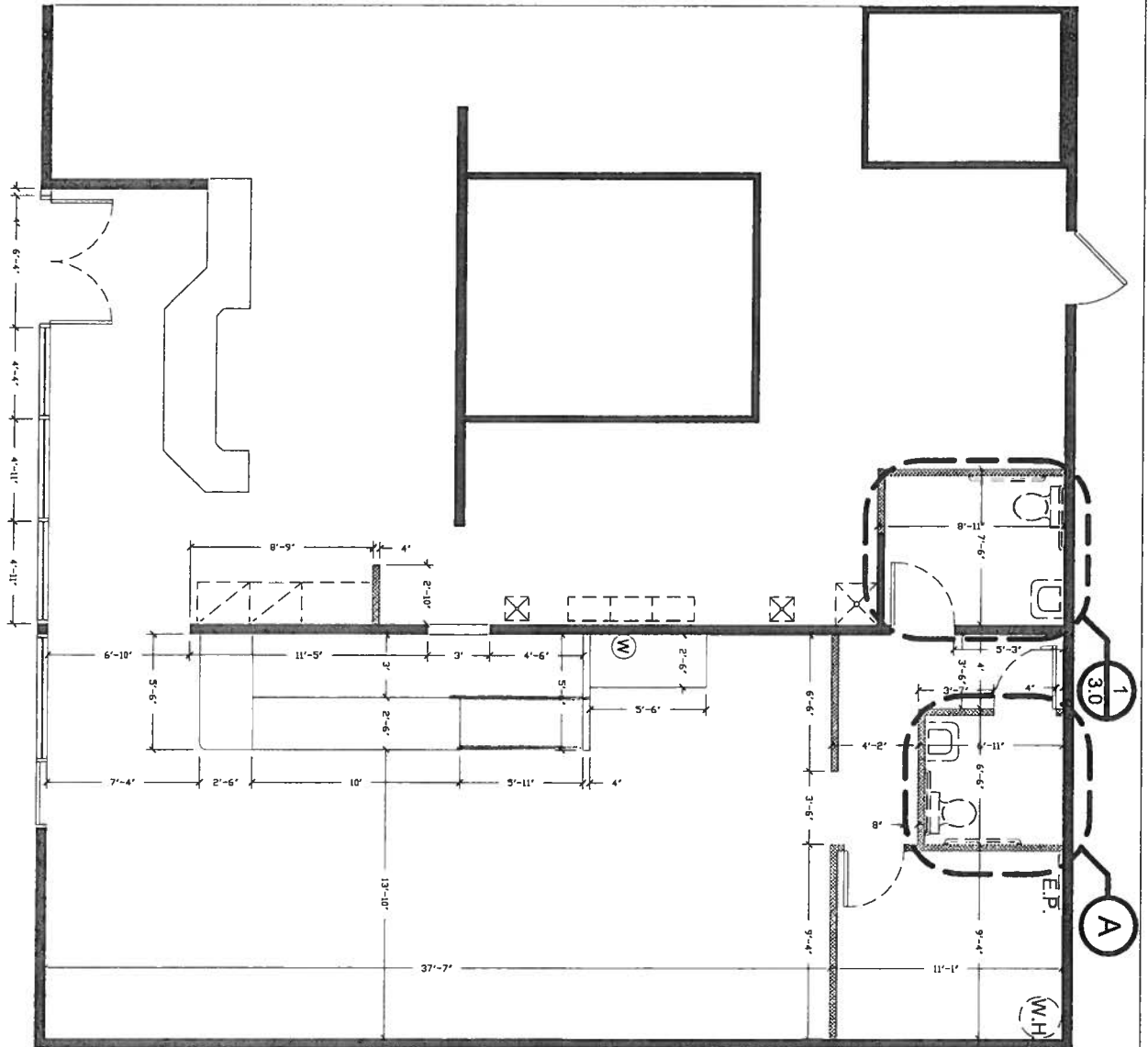
(W) WATER NEEDED AT
LOCATION

-  NEW WALL CONST.
CFMF FULL HEIGHT
-  NEW PARTITION CONST.
CFMF. REFER TO ELEVATIONS FOR
PARTITION HEIGHTS
-  EXISTING WALLS TO REMAIN



(A) UNISEX ADA RESTROOM
 SCALE: 1/2"=1'-0"

(1) PROPOSED FLOOR PLAN
 SCALE: 3/16"=1'-0"



GUMBY'S PIZZA & WINGS
 403 NORTH GUADALUPE STREET
 SAN MARCOS, TEXAS 78666

PROPOSED
FLOOR PLAN
 SCALE: 3/16"=1'-0"
2.0

CUP-12-39

Conditional Use Permit

Garcia's Restaurant

1917 Dutton Drive



Applicant Information:

Applicant: Garcia's Mexican Food Restaurant

Mailing Address: Juan Ybarra
194 Saddlebrook Ln
Martindale, TX 78655

Property Owner: Bennie and Marcia McCollum
1917 Dutton Drive Suite #100
San Marcos, TX 78666

Applicant Request: Renewal of a Conditional Use Permit (CUP) to allow the on-premise consumption of beer and wine and an amendment to the current CUP to expand service to the restaurant's new addition.

Public Hearing Notice: Public hearing notification was mailed on October 12, 2012

Response: No response as of October 18, 2012

Subject Property:

Expiration Date: November 8, 2012

Location: 1917 Dutton Dr

Legal Description: San Marcos Business Park, Block 1 Lot 3

Frontage On: Dutton Drive

Existing Zoning: General Commercial, (GC)

Utilities: Adequate

Existing Use of Property: Restaurant

Zoning and Land Use Pattern:

| | Current Zoning | Existing Land Use |
|---------------|----------------|--------------------------|
| N of property | GC | Undeveloped |
| S of property | GC | Commercial |
| E of property | GC | Commercial |
| W of property | MF-18 | Multi-Family Residential |

Code Requirements:

A conditional use permit allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

This location is outside the CBA, and is not subject to the additional requirements in the CBA.

Case Summary

The subject property is located within a complex on Dutton Drive off Wonder World Drive. The Commission originally approved a one-year CUP to allow the on-premise consumption of beer and wine at this location in November 2011. The current permit will expire on November 8, 2012.

In addition to the request for a renewal, the CUP will need to be amended to include the newly expanded area of the restaurant. In April 2012, the restaurant obtained a building permit to expand into the suite next door. The gross floor area is 3,700 square feet and the parking meets the requirements of the LDC. With the expansion, the restaurant added approximately 40 seats. It now has the capacity for 95 indoor fixed seats with 25 fixed seats for outdoor dining. The application indicates hours of operation from 8 a.m. to 10 p.m. and amplified live music is not proposed at this time. The applicant is not proposing any other improvements to the structure at this time.

Comments from Other Departments:

Police, Health, Building, Engineering, and Code Enforcement have not reported major concerns regarding the subject property.

Planning Department Analysis:

The subject property is surrounded by commercial uses and is compatible with the character of the area. Being located within a strip center, the expansion of the restaurant into the adjoining suite should not have any adverse impact to surrounding properties. Staff finds that the amendment to the CUP should not generate pedestrian or vehicular traffic which conflicts with existing traffic in the area. Staff has not received any citizen comments or comments from other departments pertaining to this request.

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following condition:

- 1. The permit shall be valid for three (3) years, provided standards are met, subject to the point system;**

| Planning Department Recommendation: | |
|-------------------------------------|---|
| | Approve as submitted |
| X | Approve with conditions or revisions as noted |
| | Alternative |
| | Denial |

Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

Alison Brake

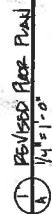
Planner

October 16, 2012

Name

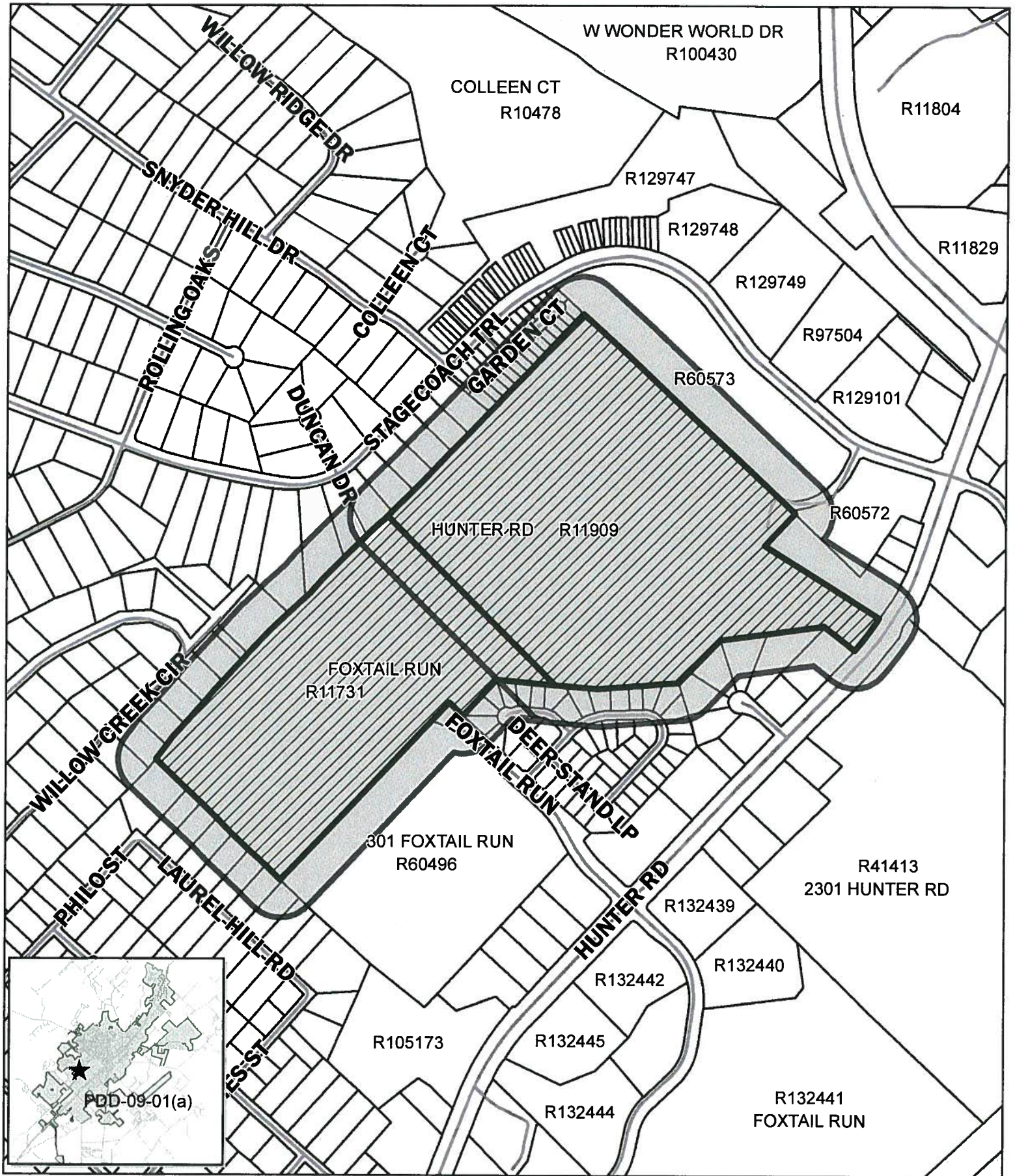
Title

Date






David's Restaurant
1017 Dallas Drive, Suite 200
San Marcos, Texas

Sheet
A2



PDD-09-01(a)
Retreat on Willow Creek
Map Date: 10/12/12

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



PDD-09-01(a)

Planned Development District (PDD)

Amendment

The Retreat on Willow Creek



Summary:

Applicant/ Property Owner: Preferred Development Partners
215 W. Bandera, Suite 114-461
Boerne, TX 78006

Represented by P.W. Christensen, P.C.
1800 W. Commerce, Suite 1
San Antonio, TX 78207

Subject Property:

Legal Description: 101.40 acre tract out of the JM Veramendi Survey, Tract 203
Location: West of Hunter Road and south of Stagecoach Trail
Existing Use of Property: Undeveloped Land
Existing Zoning: PDD overlay with Mixed Use (MU) base zoning
Proposed Use of Property: Single Family
Proposed Zoning: Same as existing zoning
Sector: 9
Frontage On: Hunter Road
Area Zoning and Land Use Pattern:

| | Current Zoning | Existing Land Use |
|----------------------|-----------------------|--|
| N of Property | SF-R,PH-ZL | Single Family Residential |
| S of Property | SF-6, CC, P | Middle School, Retail, Single Family Residential |
| E of Property | CC,P | Retail, Elementary School |
| W of Property | SF-6 | Single Family Residential |

Background

The subject property is approximately 101.4 acres and is located along Hunter Road just south of Stagecoach Trail. The site is surrounded largely by single family neighborhoods. Doris Miller Middle School and Hernandez Elementary also border the proposed development. The site is located within the Edwards Aquifer Transition Zone and is currently undeveloped.

The original Retreat on Willow Creek PDD has a base zoning of Mixed Use (MU). When approved in 2010, it allowed for the site to be developed with either multi-family, single family or other uses permitted in MU, and featured a 205 foot natural buffer from the surrounding single family neighborhoods along with a 300 foot height restriction setback on the south and west property boundaries. The land remained undeveloped and the applicant initiated the amendment in May 2012 in order to remove the buffer. There was interest from two home builders to construct single family homes, but the buffer prevented optimal subdivision design. During negotiation over the amendment in September, the developer submitted a rezoning request to eliminate the PDD and revert the entire tract to its original base zoning of SF-6.

Staff negotiated the final draft of the amended PDD which allows additional benefits for both the developer and the City which would not have been attained through traditional zoning. The PDD is restricted to single family uses only; contains increased architectural standards; dedicates a much larger amount of parkland than required along with a park development fee; allows more flexibility for the

developer in addressing road construction across the floodplain; clarifies landscaping requirements and provides additional options for tree preservation and mitigation.

Site Development

- 101.40 acre site
- Area 1 (38.88 acres) under contract with KB Homes
- Area 2 (26.8 acres) under contract with D.R. Horton
- Parkland dedication of 29.39 acres
- 6.95 acres of detention
- Improved road and creek crossing will be constructed across floodplain

Density

There is no change in density from the original PDD. The amended PDD proposes 5.5 units per gross acre, which is the LDC standard for SF-6 zoning.

Impervious Cover

There is no change in impervious cover from the original PDD which allowed 60% impervious cover of the gross project site.

Exterior Construction Standards

The original PDD include masonry standards of 60% for 1-story and 80% for 2-story. The amendment proposes 50% masonry for 1-story and 75% first floor masonry for 2-story homes. All homes adjacent to existing single family homes will be constructed with a 100% masonry rear wall.

Parkland Dedication

The original PDD provided for a Park, Open Space and Recreation easement or land dedicated to the City as parkland in the amount of approximately 36 acres. This includes all land located within the floodway as well as the land within the 205 foot buffer zone. The original PDD also included an \$18,000 park development fee for a Frisbee golf course.

The amended PDD proposes parkland dedication of 29.39 acres, two access points with 10 on-street dedicated parking spaces for park users, and a \$23,000 park development fee to assist in the creation of a trail system. The option for an easement has been removed. The Parks Board recommended approval as currently proposed in the Tuesday, October 16, 2012 meeting.

Water Quality

No water quality practices have been proposed in addition to standard state and federal regulations.

Buffer and Compatibility

The original PDD proposed a 205 ft natural buffer and a 300 ft restricted height setback. The amended PDD eliminates the buffer and the restricted height setback due to single family housing being the only use allowed within the development area.

Access

Area 1 will be accessed from Stagecoach Trail and Area 2 will be accessed from Foxtail Run. At the time that there are more than 74 building permits issued off of either point, the developer will be required to construct an improved above grade road and creek crossing over the floodplain to connect the two areas

in order to provide the required two points of access for emergency vehicles as well as to improve connectivity and circulation within the neighborhood. This meets the LDC requirements.

Occupancy Restrictions

The original PDD did not allow for dormitory-style student housing (larger complexes) and required a Conditional Use Permit application for duplex, triplex and quadraplex uses. The amendment removes all multi-family uses and retains the single-family occupancy restrictions of the LDC.

Comments from Other Departments

Engineering, Fire, Parks and Recreation have all actively participated in the negotiations. Their comments have been incorporated into the final draft PDD.

Comments from the Public

Staff has received several phone inquiries from adjoining properties owners about the nature of the proposed amendments. There have been no concerns voiced over the planned single family although some disappointment that the natural buffer has been removed.

Planning Department Analysis:

The proposed PDD amendments reflect the appropriate use and density for this tract of land. Prior to approval of the original PDD in 2010, the land was zoned SF-6. There was opposition to the multi-family uses at the time for which the buffer and height setback served as important strategies to transition into the surrounding neighborhoods. That potential use has now been removed and the land will develop as a compatible single-family subdivision.

The PDD provides the additional benefits listed above including the increased architectural standards, the dedication of parkland far exceeding the LDC requirements and some flexibility in the way the developer can approach tree mitigation and construction of the road across the floodplain. Had the developer chosen to move forward with a single family request, the additional parkland dedication and architectural requirements would not have been required. Staff feels this is the best possible outcome from the PDD amendment process.

| | Original PDD | Amended PDD |
|-------------------------------|--|---|
| Base Zoning | MU | MU |
| Future Land Use | MU | MU |
| Land Use Restrictions | -Duplex/Tri-Plex/Quad-plex allowed with CUP | No multi-family allowed |
| Compatibility | -Natural Greenbelt Buffer (205 ft minimum) between adjacent subdivisions if anything other than single family is built | Removed |
| Units per Acre | -5.5 Maximum for gross acres -12 clustered units per acre/net developable | 5.5 |
| Landscape Requirements | -25% for MU -100% for single family | LDC minimum |
| Construction Standards | -60% first floor masonry for 1-story -80% first floor masonry for 2-story | -50% first floor masonry for 1-story -75% first floor masonry for 2- |

| | | |
|---|--|--|
| | | story -100% masonry rear wall for houses adjacent to single family |
| Height | -3 three stories/45 feet -300 foot height restricted setback from north and west boundaries | 2.5 stories/35 feet |
| Impervious Cover | 60% of gross project site | 60% of gross project site |
| Parks and Open Space | -36 acres of dedicated parkland -\$18,000 park development fee for Frisbee golf -Public parking spaces and bike racks -Construction of park and emergency access road | -29.39 acres of dedicated parkland -\$23,000 park development fee for trails -10 parking spaces for park users -Emergency/access road |
| Tree Mitigation and Preservation | LDC minimum | Additional credits offered for large specimen trees and flexibility to mitigate anywhere on project site. |

Staff provides this request to the Commission for your consideration and recommends approval of the PDD Amendment as submitted.

| Planning Department Recommendation | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Approve as submitted |
| <input type="checkbox"/> | Approve with conditions or revisions as noted |
| <input type="checkbox"/> | Alternative - Postpone |
| <input type="checkbox"/> | Denial |

Prepared by:

Emily Koller

Planner

October 18, 2012

Name

Title

Date

**Amended and Restated Planned Development District Development Standards
for
The Retreat on Willow Creek Planned Development District**

**Legal Description: 101.40 acres of land out of the J. M. Veramendi
Survey No. 1, Abstract No. 17, City of San Marcos, Hays County, Texas**

**Approved under City of San Marcos
Land Development Code Chapter 4, Article 2, Division 6**

**Submitted:
October 5, 2012**

Revised:

As Revised by City Council

Approved: _____, 2012

Part 1. General Information

1.01. Project Description. The proposed development of approximately 101.40 acres of land out of the J. M. Veramendi Survey No. 1, Abstract No. 17, Hays County Texas being described as generally located on the west side of Hunter Road south of Stagecoach Trail and at the terminus of Hunters Hill Drive and Foxtail Run (the "Project Site"), as shown in Exhibit "A," attached to and made a part of these development standards for all, purposes.

1.02. Project Location. The Project Site is generally located on the west side of Hunter Road south of Stagecoach Trail and being bound on the north by Hernandez Intermediate School, on the south by Laurel Estates Subdivision, on the west by Willow Creek Estates Subdivision and the Gardens at Willow Creek Subdivision and on the east by Hunters Hill Subdivision, Doris Miller Junior High School, and Willow Springs Center Subdivision. Access to this site will be provided through the extension of Foxtail Run and the construction and extension of Hunters Hill Drive.

1.03. Phasing. The Project Site may be developed in phases. As indicated on the Conceptual (or "Concept") Plan, illustrated in Exhibit "B," attached to and made a part of these development standards for all purposes, the Project Site consists of two (2) areas separated by the floodplain. These areas are designated on the plan as Area 1 and Area 2 and may be developed jointly as a single unified development or may be developed individually as stand-alone developments. This flexibility in the design and planning of the Project Site will allow for greater flexibility to meet the changing demands and needs of the community. The Development Standards contained herein are intended to be utilized for the development of the project site as a single unified development; however, in the event that Area 1 and Area 2 are developed independently, each area shall be developed in a manner so as to meet the requirements of these development standards.

1.04. Reasons for use of PDD. This Planned Development District ("PDD") is intended to allow for a higher quality of development for the City of San Marcos than could be achieved under an existing zoning classification. These development standards, for instance, impose greater parkland dedication requirements and stricter architectural standards, among other enhancements, than would normally be required.

Part 2. Land Use Designation and Restrictions

2.01. Base Zoning – Mixed Use District (MU). The base zoning designation for this zoning district is Mixed Use District ("MU") which is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work, and purchase necessities in a single location. However, the Project Site will be developed only with single family residences as provided below.

2.02. PDD Restrictions on Land Use. The Project Site will be developed in a unified manner for single family uses indicated as permitted in the base MU District except as amended by Sections 3.02 to 3.06 below. All other uses within this PDD shall be prohibited.

Part 3. Land Use Restrictions

3.01. Generally. As stated above, the base zoning for the Project Site will be the MU District, however the provisions of Section 4.3.1.2 of the Land Development Code (“LDC”) that would otherwise allow fraternity houses, sorority houses, boarding houses, dormitories, and multifamily apartments in a Mixed Use zoning District with a conditional use permit shall be inapplicable to this site. No portion of the site shall be used for fraternity houses, sorority houses, boarding houses, dormitories, or multifamily apartments land uses without approval of a petition for a zoning map amendment by ordinance of the San Marcos City Council. Except as otherwise amended, modified or supplemented in these Development Standards, all regulations applicable to that base zoning district will apply to the Project Site. The Project Site will be restricted to the uses identified herein.

3.02 Permitted Residential Uses. The following chart illustrates those residential uses that are permitted by right within the Project Site:

| | |
|---|-------------------------------|
| Development Areas 1 and 2 | Single Family Detached House* |
| Development Area 3 | None |
| * There will be no prohibition on the use of a Church or religious assembly hall on the property to the extent required by law. | |

3.03 Permitted Accessory Uses. The following chart illustrates those accessory uses that are permitted by right within the Project Site:

| | |
|---------------------------|---|
| Development Areas 1 and 2 | Caretaker's/Guard's Residence Accessory Building/Structure |
| Development Area 3 | Accessory Building/Structure |

3.04 Occupancy Restrictions. The following occupancy restrictions shall apply to residential uses on this property:

- a. All residential uses identified in Section 3.02 above shall be restricted to occupancy by a family in accordance with the occupancy restrictions identified in Section 4.3.4.5 of the LDC.
- b. The provisions of this section shall be enforced through the residential lease agreements and occupancy shall be based upon the lessee(s) indicated on the residential lease.

Part 4. Development Standards

4.01. Landscape Requirements. The Project Site shall provide landscaping in accordance with the minimum requirements of the LDC in Section 6.1.1.4 for single family development.

4.02. Parking Requirements. The Project Site shall provide parking in accordance with the minimum requirements of the LDC.

4.03. Exterior Construction Standards. Architecture and the built environment make many important contributions to San Marcos's visual context. In order to achieve this design intent, a limited palette and range of exterior materials, colors, textures and finishes have been selected for all construction within the Development.

a. All facades shall use a palette and range of exterior materials, colors, textures and finishes pleasing to the eye and shall be approved by an architectural control committee set up by developer.

b. The use of color shall apply equally to additions and alterations to existing structures as well as to new detached structures. Garish or unusual colors and color combinations and unusual designs are discouraged.

c. All buildings within the Development shall be designed with a high level of detail with careful attention to the combination of and interface between materials. Materials chosen shall be appropriate for the theme and scale of the building compatible with its location within the development and expressive of the community desired character and image.

d. A minimum of 50% of each single-family residential building excluding doors and windows shall be masonry consisting of brick, stone, stucco, split face concrete units, faux stone or brick, or a combination thereof. Each building that is greater than one (1) story in height shall have a first floor with a minimum of 75% masonry consisting of brick, stone, stucco, split face concrete units, faux stone or brick, or a combination thereof.

e. Additionally, all single family residences abutting existing single family residences outside of the Retreat at Willow Creek shall be developed at 100% masonry at the rear.

f. Architectural details may include barn door shutters, faux gable vents or windows or other architectural details consistent with the design intent of the Craftsman cottage theme of the development.

g. E.I.F.S. is not permitted as a building facade material. If such a finish is desired stucco on masonry backup or a mechanically fastened system is required.

h. Durable materials such as terra cotta and metal fascia may be utilized for architectural detailing and accents where appropriate. A more articulated use of details and accent materials is encouraged at building entries.

i. These standards shall apply equally to additions and/or alterations to existing structures as well as to new detached structures. All accessory structures shall be constructed in such a manner so as to be compatible in look style and materials as the primary structures on the project site. Alternative designs for accessory structures may utilize different styles and materials than the primary structure upon review and approval by the Director of Development Services and the Permit Center Manager, appealable to the Planning and Zoning Commission.

j. No bright unfinished or mirrored surfaces will be allowed.

4.04. Environmental. The Property Owner shall comply with all federal, state and local storm water discharge registration, notification, monitoring and construction runoff protection requirements and required erosion/sedimentation controls. With regard to storm water drainage, the project shall not cause the run off of storm water drainage in flows that are in excess of the existing flows off the Property in its present condition.

4.05. Lighting. The Project Site shall provide lighting levels that are compatible with safety and industry standards for the uses permitted herein and shall meet the minimum requirements of the City of San Marcos and are subject to review at the Site Plan phase. All lighting shall be of a warm color light which is the color spectrum of incandescent light and shall be shielded so as to provide no glare to adjacent properties or street rights-of-way.

4.06. Maximum Height of Structures. The maximum height of structures constructed on this site shall not exceed two and one-half (2.5) stories or 35 feet in height, whichever is less.

4.07. Building Setbacks. The minimum building setbacks applicable to the Project Site shall be as follows:

a. *Minimum Front Yard Setback.* The minimum required front yard shall be 20 feet. Encroachments in the form of above grade awnings, bay windows, signage, eaves, balconies and window sills shall be permitted in accordance with the requirements of the LDC.

b. *Minimum Side Yard Setback.* The minimum side yards shall be five feet (5'). Encroachments in the form of above grade awnings, bay windows, signage,

eaves, balconies and window sills shall be permitted in accordance with the requirements of the LDC.

c. *Minimum Rear Yard Setback.* The minimum rear yard setback shall be a minimum of twenty feet (20'). Encroachments in the form of above grade awnings, bay windows, signage, eaves, balconies and window sills shall be permitted in accordance with the requirements of the LDC.

4.08. Dumpsters. All on-site solid waste receptacles (dumpsters) shall be enclosed by a minimum six foot (6') tall screening fence constructed of material compatible with the site development and architecture of the proposed structures.

4.09. Signage. Signage shall be provided in accordance with Chapter 6, Article 3, *Signs*, of the City of San Marcos LDC.

4.10 Maximum Impervious Coverage. The maximum overall impervious coverage permitted on the gross Project Site shall be 60% (including buildings, parking structures, etc.).

4.11. Parks and Open Space.

a. The Project Site will provide for the establishment of land dedicated and conveyed to the City as parkland subject to the approval of the Planning and Zoning Commission and containing approximately 29.39 acres of land. Chapter 7, Article 6 of the City of San Marcos LDC outlines the requirements for parkland dedication. Based on the permitted uses on the Project Site, the maximum amount of parkland that would be required to be dedicated as part of this project would be for single family residential dwellings and would be equivalent to 4.1 acres. In the event that the parkland dedication requirements for the number of dwelling units on the property exceeds the proposed parkland dedication, a fee-in-lieu of parkland dedication will be required in accordance with the requirements of the City of San Marcos.

b. The unique configuration of the Project Site allows for the development of the property as a single project or for each area to be developed separately. The area indicated as Parkland will be dedicated and conveyed to the City as parkland subject to the approval of the Planning and Zoning Commission. Any dedication and conveyance of parkland to the City would occur with the first final plat for the area being developed within the Project Site.

c. Additionally, a park development fee of \$23,000 will be required to assist in the development of a trail system and playground within the proposed Parkland. The payment of the park development fee will be required upon approval of the first final plat for the property. The dedication will be through fee simple title to the City for parkland.

d. A minimum of two (2) access points from a public right-of-way shall be provided to the parkland. A minimum of ten (10) parking spaces and one (1) bicycle rack shall be provided on-street adjacent to the access point. The parking spaces shall be dedicated for public use of the parkland with clear signage indicating the spaces are for Park users only.. A minimum of one (1) of the dedicated parking spaces shall meet the requirements for ADA accessibility. The dedicated parking spaces associated with the parkland may not be utilized to meet the minimum parking requirements identified in Section 4.02 of this PDD. Parking spaces will be indicated on the Public Improvement Construction Plan (PICP) and constructed at the same time as the adjacent road.

| San Marcos LDC Requirement | Proposed PDD Requirement |
|---|---|
| Section 7.6.1.2(c) – Parkland Dedication Calculation: | Dedication of parkland containing approximately 29.39 acres |
| 5 acres (multiplied by) 250 units (multiplied by) maximum of 2.7 residents per unit (divided by) 1000 | Provision for additional private open space and amenities within the Project Site. |
| Maximum 4.1 acres of parkland dedication required | Construction of a park and emergency access road |
| | Minimum of 10 dedicated parking spaces |
| | Payment of \$23,000 in parkland development funds for the construction of a trail system and playground |

4.12. Fences. Fences shall be permitted in accordance with Chapter 6, Article 1, Division 3 of the City of San Marcos LDC.

4.13 Access. At the time building permits are issued totaling 25 lots in Area 1 or Area 2 the Property Owner shall be responsible for constructing an emergency access road to connect Area 1 and Area 2 within the Project Site in the location of the future street connection. The emergency access road will be constructed of asphalt material and contain a reinforced concrete low water crossing constructed, owned and maintained by the Property Owner and is intended to provide direct connection between the two areas within the Project Site.

a. At no time shall more than 74 homes be constructed with a single point of access in either Area 1 or Area 2. For Area 2, this would include houses constructed in the existing Hunter Hill Subdivision. Prior to issuance of permit of any buildings exceeding these numbers in either area, the developer will construct the the required above grade street and creek crossing, built to City Standards and designed in accordance with the adopted City of Austin Drainage Criteria Manual, across the floodway as a means of connecting Areas 1 and 2.

b. The final improved connection road will be dedicated to the City by plat. Prior to the dedication of the final road, the property owner of each area shall be responsible for ensuring access through each area to the emergency access road.

c. The developer and/or builder will provide quarterly building permit reports to the Permit Center Manager monitoring permit numbers in Areas 1 and 2. At such time the above triggers are met, no additional permits will be issued until construction of the road is confirmed complete by the City.

d. Nothing in this Section 4.13 shall be construed as a waiver of the requirement for the developer to, and the developer shall, provide security for the completion of public improvements in the manner prescribed by Sections 1.6.6.3 and 1.6.6.4 of the LDC.

4.14. Traffic Impact Analysis (TIA). A complete Traffic Impact Analysis will be required for the Project Site to determine adequacy of street infrastructure and any necessary roadway improvements. A Traffic Threshold Worksheet shall be required for the purposes of review and approval of this PDD. A complete Traffic Impact Analysis shall be required upon the subsequent submittal of a Preliminary Plat or Watershed Protection Plan Phase II for any use. Any roadway improvements not identified on the Concept Plan, but required as a result of the Traffic Impact Analysis, shall be identified prior to approval of a Final Plat for all or any portion of the property impacted by such roadway improvements.

4.15. PDD Development Intensity Table. The following chart provides a development intensity summary of the overall site:

| | Overall Project Site | Area 1 | Area 2 | Area 3 |
|--------------------------------|-----------------------------|---------------|---------------|---------------|
| Total Area (acres) | 101.399 | 38.880 | 26.170 | 29.39 |
| Park/Open Space Area (acres) | 29.39 | - | - | 29.39 |
| | | | | |
| Total Developable Area (acres) | 72.009 | 44.84 | 27.80 | N/A |
| Maximum Developable Area % | 71.01% | | | |

4.16 Tree Preservation and Mitigation. The Project Site is subject to the Tree and Habitat Protection requirements of the City's LDC. Some additional standards are provided to allow more options for mitigation. Any trees that are removed or damaged during development of the Project Site shall be mitigated according to the table below. Existing trees preserved in the Parkland are not eligible for credit:

| Tree Classification | LDC | | PDD | |
|---|---|--|---|---|
| | Mitigation | Credit | Mitigation | Credit |
| Protected Trees (9-23") within Building Footprint, within 10 feet of the Building Footprint or within Site Access Areas | Not required | | Not required | |
| Protected Trees (9-23") beyond Building Footprint or Site Access Areas | Replaced per lot at a ratio of 2.5:1 | 12" or more = 2 trees (4") 4-12" = 1.5 trees (3") | 1:1 caliper inch anywhere on Project Site | 1:1 caliper inch Anywhere on Project Site |
| Specimen Trees (24" or more) located anywhere in Project Site | Replaced per lot at a ratio of 1:1 | 1:1 per caliper inch | 2:1 caliper inch anywhere on Project Site | 2:1 caliper inch anywhere on Project Site |
| Specimen Trees (40" or more) located anywhere in Project Site | | | 3:1 caliper inch anywhere on Project Site | 3:1 caliper inch anywhere on Project Site |
| Excluded Species | All excluded trees 12" or more require mitigation | No credits | All excluded trees 24" or more require mitigation 2:1 | 2:1 caliper inch for excluded trees 24" or more |

a. In the event that mitigation is not feasible on the individual lots, trees meeting the mitigation requirements of this section may be planted within the dedicated Parkland in the Project Site, along street edges within the Project Site or at the subdivision entryways.

b. The developer may also provide payment to the Parks and Recreation Department of a fee-in-lieu of tree mitigation at a rate of \$100 per caliper inch required mitigation for use for the planting and maintenance of trees, installation of irrigation, and repair or removal of damaged or destroyed trees.

c. To the greatest extent possible, the project site shall provide for a site layout and building locations that avoid removal of preferred trees, especially specimen trees. The preservation of existing protected and specimen trees within the limits of construction on the project site shall count toward mitigation requirements identified of this section.

d. In the event that a tree designated for protection and preserved in accordance with this section dies within three years of being planted or, in the case of trees planted on individual residential lots, three years from the issuance of a

certificate of occupancy for the lot, the loss of that tree shall be required to be mitigated for in accordance with this section.

e. Tree mitigation calculations will be done at the time of the submittal of the Public Improvement Construction Plan (PICP). The term "Site Access Areas" shall include street and utility right of way.

4.17 Density and Dimensional Standards.

| Standard Category | SF Residential |
|---|---|
| Lot/Parcel Area, Minimum Sq. Ft. | 6000 |
| Lot/Parcel Area, Maximum Acres | N/A |
| Units per Acre, Maximum/Gross Acres | 5.5 |
| Clustered Units per Acre, Net Developable | 12.0 |
| Lot Frontage Minimum Feet | 35 |
| Lot Width, Minimum Feet | 50 |
| Front Yard Setback, Minimum Feet | 20 |
| Side Setback, Minimum Feet, Interior | 5 |
| Side Setback, Corner, Minimum Feet | 15 |
| Rear Yard Setback, Minimum Feet | 20 |
| Lot Depth, Minimum Feet | 100 |
| Impervious Cover, Max. % | 60 |
| Building Height, Maximum Feet | 2.5 stories or 35 feet, whichever is less |
| 1. Parking facilities in these development areas may be retained in common for reciprocal use by commercial and office/civic tenants, and may be included as part of the building lot. For example, a lot containing retail uses on the ground floor, with residential and/or office use above, may be designed to accommodate common parking facilities. | |

Part 5. Miscellaneous

5.01. The Project Site will be bound by the provisions of these development standards as though they were conditions, restrictions and limitations on the use of the Project Site under the City's LDC and ordinances.

5.02. Any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to all penalties that apply to violation of the

zoning ordinances of the City of San Marcos, as amended. Any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to a suit by the City for an injunction to enjoin the violation of these development standards as though they were conditions, restrictions and limitations on use of the Project Site under the City's LDC.

5.03. All obligations created under these development standards are performable in Hays County, Texas and venue for any action arising under these development standards shall be in Hays County, Texas. These development standards will be construed in accordance with the laws of the State of Texas.

5.04. These development standards may be revised and amended only in accordance with the procedures described in the City's Land Development Code, as same may be amended from time to time.

5.05. These development standards shall control the development of the Project Site and, to the extent such development standards modify, amend or supplement specific provisions of the City's Land Development Code, said development standards shall control. To the extent the City's Land Development Code is not specifically amended, modified or supplemented by these development standards, the City's Land Development Code or, as same may exist at the time of approval of these development standards, shall be applicable to and control the development of the Project Site.

5.06. In case one or more provisions of these development standards are deemed invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, these development standards shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Retreat on Willow Creek PDD Amendment

Exhibit A: Project Site

Field Notes

DESCRIPTION OF 101.40 ACRES, MORE OR LESS, OF LAND AREA IN THE J.M. VERAMENDI SURVEY NO. 1, ABSTRACT NO. 17, CITY OF SAN MARCOS, HAYS COUNTY TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 82.05 ACRES IN A DEED FROM TOM E. TURNER TO TETCO, INC. DATED DECEMBER 21, 2000 AND RECORDED IN VOLUME 1755, PAGE 814 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING A PORTION OF THAT TRACT DESCRIBED AS 64.55 ACRES IN A DEED FROM SAN MARCOS ONE EIGHTY SIX, LTD., TO TETCO, INC., DATED SEPTEMBER 22, 1988 AND RECORDED IN VOLUME 753, PAGE 697 OF THE HAYS COUNTY REAL PROPERTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set in the southwest line of Lot 1, Block 2, Intermediate School Subdivision as recorded in Volume 6, Page 153 of the Hays County Plat Records for the north corner of this description and the Tetco 82.05 acre tract, from which a 5/8" iron rod found with yellow plastic cap stamped "property corner" bears N 00°35'18" W 0.48 feet;

THENCE leaving the Place of Beginning as shown on that plat numbered 23992-03-24-d dated November 18, 2003 prepared for Tetco by Byrn & Associates, Inc., of San Marcos, Texas, with the common northeast line of the Tetco 82.05 acre tract and southwest line of Intermediate School Subdivision the following four courses:

1. S 44°57'05" E 314.74 feet to a 1/2" iron rod set for angle point,
2. S 44°11'36" E 393.46 feet to a 1/4" iron rod set for angle point,
3. S 43°51'47" E 676.55 feet to a 1/4" iron rod set for angle point, and
4. S 44°16'32" E 165.37 feet to a 1/4" iron rod found with aluminum cap stamped "Byrn Survey" in the southwest line of Lot 1, Block 1, Intermediate School Subdivision for an exterior northeast corner of this description and the Tetco 82.05 acre tract and north corner of that tract described as 2.9495 acres in a deed from W.B. Williams to George Powell dated July 16, 2003 and recorded in Volume 2032, Page 233 of the Hays County Official Public Records, pass at 51.82 feet a 1/2" iron rod found for the south corner of Lot 1, block 2, and northwest corner of Hunters Hill Drive as shown on the plat of Intermediate School Subdivision, and pass at 145.11 feet a 1/4" iron rod found with plastic cap stamped "Byrn Survey" for the west corner of Lot 1,

Block 1, and southwest corner of Hunters Hill Drive;

THENCE leaving Intermediate School Subdivision with the common northeast line of the Tetco 82.05 acre tract and northwest and southwest lines of the Powell 2.9495 acre tract the following two courses:

1. S 45°46'26" W 235.99 feet to a ½" iron rod found with plastic cap stamped "Bryn Survey" for interior northeast corner of the Tetco 82.05 acre tract and west corner of the Powell 2.9495 acre tract, and
2. S 55°31'44" E 723.94 feet to ½" iron rod found with plastic cap stamped "RPLS 2596" in the northwest line of Hunter Road/F.M. Highway no. 2439 for the south corner of the Powell 2.9495 acre tract, east corner of this description, and north corner of that tract described as "Parcel 1-1.59 acres" in a deed from Tetco, Inc., to the State of Texas dated March 3, 1994 and recorded in Volume 1066, Page 400 of the Hays County Official Public Records (said 1.59 acre Parcel 1 being a portion of the Tetco 82.05 acre tract);

THENCE leaving the Powell 2.9495 acre tract crossing the Tetco 82.05 acre tract with the northwest line of the State of Texas 1.59 acre Parcel 1 and Hunter road being with a right-breaking curve having the following characteristics: Delta = 09°03'39", radius = 1372.40 feet, arc = 217.03 feet and a chord bearing S 39°31'12" W 216.81 feet to a ½" iron rod found with plastic cap stamped "Byrn Survey" for the southeast corner of this description and east corner of Lot 4, Block A, Section 3, Hunters Hill Subdivision as recorded in Volume 11, Page 141 of the Hays County Plat Records (said Hunters Hill, Section 3, being a portion of the Tetco 82.05 acre tract);

THENCE leaving Hunter Road and the State of Texas 1.59 acre Parcel 1 tract with the north line of Block A, Section 3, Hunters Hill Subdivision the following three courses:

1. N 49°43'42" W 208.99 feet to a ½" iron rod found with plastic cap stamped "Byrn Survey" for angle point of Lot 4,
2. S 84°41'20" W 556.76 feet to a ½" iron rod found with plastic cap stamped "Byrn Survey" for angle point of Lot 4, and
3. S 46°17'15" W 318.00 feet to a ½" iron rod found with plastic cap stamped "Byrn Survey" for angle point in Lot 3, Block A, Section 3, Hunters Hill Subdivision and for the northeast corner of Lot 20, Hunters Hill Subdivision, Section Two as recorded in Volume 8, Page 101 of the Hays County Plat Records (said Hunters Hill Subdivision, Section two being a portion of the Tetco 82.05 acre tract);

THENCE leaving Lot 3, Block A, Section 3, Hunters Hill Subdivision with the north and northwest lines of Hunters Hill Subdivision, Section Two, the following three courses:

1. S 88°24'44" W 438.19 feet to a 1/4" iron rod found with plastic cap stamped "Byrn Survey" for angle point in the north line of Lot 16,
2. N 82°10'28" W 532.24 feet to a 1/4" iron rod found with plastic cap stamped "Byrn Survey" for the north corner of Lot 9 and northwest corner of Lot 10, pass at approximately 348 feet the southwest line of the Tetco 82.05 acre tract and northeast line of the previously mentioned Tetco 64.55 acre tract, and
3. S 45°41'24" W 261.33 feet to a 1/4" iron rod found with plastic cap stamped "Byrn Survey" in the northeast line of Lot 1, Block 1, Section 1, Hunters Hill Subdivision as recorded in Volume 6, Page 177 of the Hays County Plat Records for the northwest corner of Lot 7 and southwest corner of Lot 8, Hunters Hill, Section two;

THENCE leaving Hunters Hill Subdivision, Section Two with the common southeast line of the Tetco 64.55 acre tract and northeast and northwest lines of Lot 1, Block 1, Section 1, Hunters Hill Subdivision the following two courses:

1. N 44°15'35" W 100.10 feet to a 1/4" iron rod found with plastic cap stamped "Byrn Survey" for the north corner of Lot 1, Block 1, Section 1, and
2. S 45°43'43" W (being the Bearing Basis for this description) 1298.73 feet to a 1/4" iron rod found with plastic stamped "Byrn Survey" in the northeast line of Lot 69 of Laurel Estates Unit 2 as recorded in volume 1, Page 62 of the Hays county Plat Records for the west corner of Lot 1, Block 1, Section 1, Hunters Hill Subdivision and southwest corner of the Tetco 64.55 acre tract and this description;

THENCE leaving Lot 1, Block 1, Section 1, Hunters Hill Subdivision with the common southwest line of the Tetco 64.55 acre tract and northeast line of Laurel Estates Unit 2 the following seven courses:

1. N 43°36'22" W 121.45 feet to a 3/8" iron rod found for the north corner of Lot 69 and east corner of Lot 66,
2. N 43°43'41" W 122.00 feet to a cotton spindle set with aluminum washer stamped "Byrn Survey" for the north corner of Lot 66 and east corner of Lot 63,
3. N 43°44'18" W 122.40 feet to a 3/8" iron rod found for the north corner of Lot 63 and east corner of Lot 60,
4. N 42°17'43" W 121.99 feet to a 1/4" iron rod set for the north corner of Lot 60 and east corner of Lot 57,
5. N 44°22'05" W 121.88 feet to a 1/4" iron rod set for the north corner of Lot 57 and east corner of Lot 54,
6. N 44°07'32" W 95.82 feet to a 3/8" iron rod found for the north corner of lot 54 and east corner of Lot 51, and

7. N 42°55'35" W 220.25 feet to a 3/8" iron rod found in the southeast line of Lot 12 of Willow Creek Estates as recorded in Volume 1, Page 203 of the Hays County Plat Records for the north corner of Lot 51, Laurel Estates Unit 2 and west corner of the Tetco 64.55 acre tract and this description;

THENCE leaving Laurel Estates Unit 2 with the common northwest line of the Tetco 64.55 acre tract and southeast line of Willow Creek Estates the following four courses:

1. N 40°00'48" E 137.16 feet to a 1/2" iron rod found for angle point in the southeast line of Lot 13, Willow Creek Estates, pass at 64.56 feet a 1/2" iron rod found for east corner of Lot 12 and south corner of Lot 13,
2. N 44°40'39" E 158.10 feet to a 1/2" iron rod found for angle point in the southeast line of Lot 14, pass at 77.77 feet a 1/2" iron rod found for the east corner of Lot 13 and south corner of Lot 14,
3. N 43°26'23" E 191.07 feet to a 1/2" iron rod found for angle point in the southeast line of Lot 15, pass at 69.05 feet a 1/2" iron rod found for the east corner of Lot 14 and south corner of Lot 15, and
4. N 45°06'50" E 230.55 feet to a 1/2" iron rod set for the east corner of the "Reserve" tract shown on the plat of Willow Creek Estates and that tract described as "Tract 2-0.25 acres" and south corner of that tract described as "Tract 1-1.00 acres in a deed from O.B. Howard et ux to A. Dan McClintock et ux dated December 15, 2000 and recorded in Volume 1750, Page 484 of the Hays County Official Public Records, pass at 28.8 feet the record east corner of Lot 15 and record south corner of Lot 16, pass at 177.95 feet a 1/2" iron rod found for the east corner of Lot 16 and south corner of the "Reserve" tract and the McClintock 0.25 acre tract 2;

THENCE leaving Willow Creek Estates and the McClintock 0.25 acre Tract 2 with the common northwest line of the Tetco 64.55 acre tract and southeast line of the McClintock 1.00 acre Tract 1 N 45°07'04" E 200.25 feet to a 1/2" iron rod found for the east corner of the McClintock 1.00 acre Tract 1 and south corner of that tract described as 0.58 acres in a deed from Handler Smith et al to Crystal Clear Water Supply Corp. dated May 22, 1980 and recorded in Volume 342, Page 675 of the Hays County Deed Records;

THENCE leaving the McClintock 1.00 acre Tract 1 with the common northwest line of the Tetco 64.55 acre tract and southeast line of the Crystal Clear Water Supply 0.58 acre tract N 47°59'53" E 116.87 feet to a 1/2" iron rod found for the east corner of the Crystal Clear Water Supply 0.58 acre tract and south corner of Lot 258 of Willow Creek Estates, Section 6, as recorded in Volume 4, Page 154 of the Hays County Plat Records;

THENCE leaving the Crystal Clear Water Supply 0.58 acre tract with the common northwest line of the Tetco 64.55

acre tract and southeast line of Willow Creek Estates, Section 6, the following four courses:

1. N 49°56'32" E 171.41 feet to a ½" iron rod set for angle point in the southeast line of Lot 259, pass at 143.69 feet a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the southeast corner of Lot 258 and southwest corner of Lot 259,
2. N 43°50'44" E 105.43 feet to an 8" Live Oak tree for angle point in the southeast line of Lot 259,
3. N 46°40'14" E 183.03 feet to a 2" cedar post found for angle point in the southeast line of Lot 260, pass at 155.06 feet a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 259 and south corner of Lot 260, and
4. N 48°21'57" E 225.97 feet to a 4" cedar corner post found in the southeast line of Lot 261 for the north corner of the Tetco 64.55 acre tract and west corner of the previously mentioned Tetco 82.05 acre tract, pass at 141.24 feet a ½" iron rod found for the east corner of Lot 260 and south corner of Lot 261;

THENCE leaving the Tetco 64.55 acre tract with the common northwest line of the Tetco 82.05 acre tract and southeast line of Willow Creek Estates, Section 6, the following eight courses:

1. N 54°37'39" E 32.48 feet to an 18" cedar tree for angle point in Lot 261,
2. N 46°59'04" E 59.08 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 261 and south corner of Lot 262,
3. N 47°39'34" E 161.25 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 262 and south corner of Lot 263,
4. N 48°15'15" E 58.06 feet to an 8" cedar tree for angle point in the southeast line of Lot 263,
5. N 45°51'58" E 87.76 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 263 and south corner of Lot 264,
6. N 46°12'26" E 145.94 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 264 and south corner of Lot 265,
7. N 46°11'13" E 146.46 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 265 and south corner of Lot 266, and
8. N 46°14'53" E 156.14 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 266, Willow Creek Estates, Section 6 and south corner of Lot 1, The Gardens at Willow Creek as recorded in Volume 8, Page 165 of the Hays County Plat Records;

THENCE leaving Willow Creek Estates, Section 6, and The Gardens at Willow Creek with the northwest line of the Tetco 82.05 acre tract as evidenced by old fence remains, the following six courses:

1. N 46°05'32" E 99.19 feet to a 14" Elm Tree for angle point,
2. N 46°08'42" E 87.01 feet to a 4" cedar fence post found for angle point,
3. N 46°52'25" E 105.89 feet to a dead 8" Live Oak Tree found for angle point,
4. N 44°50'24" E 119.45 feet to a double 14" Hackberry Tree found for angle point,
5. N 46°03'37" E 166.66 feet to a double 8" Elm Tree found for angle point, and
6. N 46°16'22" E 135.75 feet to the Place of Beginning.

There are contained within these metes and bounds 101.40 acres as prepared from record information and a survey made on the ground on November 18, 2003 by Byrn & Associates, Inc., of San Marcos, Texas. All 1/4" iron rods set are capped with a plastic cap stamped "Byrn Survey".

Kyle Smith, R.P.L.S. No. 5307

Client: Tetco
Date: November 18, 2003
Survey: Veramendi No. 1, J.M. A-17
County: Hays, Texas
Job No: 23992-03-24
Fnd101.40

Retreat on Willow Creek PDD Amendment

Exhibit B: Revised Conceptual Plan

